

# POLICY

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## THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY (M)

### 1648.11 THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY (M)

The Board of Education plans to provide full-day, full-time, in-person instruction and operations for the 2021-2022 school year. In June 2021, the New Jersey Department of Health (NJDOH) and the New Jersey Department of Education (NJDOE) worked collaboratively to develop guidance, The Road Forward – Health and Safety Guidance for the 2021-2022 School Year (The Road Forward).

The Road Forward replaces the mandatory anticipated minimum standards outlined in the NJDOE’s “The Road Back – Restart and Recovery Plan for Education” (June 2020) and provides a range of recommendations rather than mandatory standards. These recommendations are meant to assist school districts in implementing protocols to reduce risks to students and staff from COVID-19 while still allowing for full-time learning.

The Board considered many factors as they prepared for the 2021-2022 school year, including the level of COVID-19 transmission in the community at large and in the school community, as well as vaccination coverage rates in both the community at large and the school community.

For the purpose of this Policy, “Order” shall mean any Governor of New Jersey Executive Order, New Jersey State Agency mandate, Centers for Disease Control and Prevention (CDC) guidance, New Jersey statute, or administrative code requiring compliance by the school district.

The Board considered the recommendations outlined in The Road Forward to develop health and safety protocols. The Board will consider all recommended Orders and comply with all mandatory Orders when developing health and safety protocols and reviewing them periodically.

The Board considered the recommendations outlined in The Road Forward to develop the school district’s COVID-19 protocols in the following areas and included in corresponding Appendices.



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The absence of one or more of the recommendations outlined in The Road Forward and/or in the school district's health and safety protocols will not prevent the reopening of the school(s) in the district for full-day in-person operation with all enrolled students and staff members present.

Pursuant to N.J.S.A. 18A:7F-9, schools must be in session for 180 days to receive State Aid. The statute requires that school facilities be provided for at least 180 days during the school year. N.J.S.A. 18A:7F-9(b) indicates when a school district is required to close the schools of the district for more than three consecutive school days due to a declared state of emergency, declared public health emergency, or a directive and/or recommendation by the appropriate health agency or officer to institute a public health-related closure, days of virtual or remote instruction commensurate with in-person instruction will count toward the school district's 180-day requirement.

The school district may be confronted with the incidence of COVID-19 positive cases among staff and/or students. If the school district is required to exclude a student, group of students, a class, or multiple classes as a result of possible exposure to COVID-19, while the school itself remains open for in-person instruction, the school district may offer virtual or remote instruction to those students in a manner commensurate with in-person instruction to the extent possible. In circumstances when the school facilities remain open and in-person instruction continues in those classrooms that are not required to quarantine, those days in session will also count toward the school district's 180-day requirement in accordance with N.J.S.A. 18A:7F-9.

The school district anticipates updates to The Road Forward and as such this Policy is subject to review by the Superintendent to ensure compliance with Orders that may arise after Board adoption of this Policy. All revisions to Orders affecting this Policy and corresponding Appendices shall be reviewed by the Superintendent with the Board Attorney, School Physician, and Board of Education, if appropriate. The Superintendent may revise the health and safety protocols included in any Appendix as necessary and appropriate. All students, parents, and staff members will be notified of any changes to school district-developed protocols implemented as a result of this Policy, as appropriate.



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THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY (M)

## APPENDICES

### 1. Maintaining Health and Safety

#### A. Universal and correct wearing of masks

Currently, the Nutley Public Schools are following the requirements and guidelines established by the New Jersey Department of Health for universal and correct wearing of masks. The following procedures are based on the directives given through executive orders by the Governor in conjunction with health officials and guidance from the CDC. The Board of Education has worked to adopt and communicate the behaviors determined by health officials and guidance from the CDC that reduce the spread of COVID-19 such as requiring the use of face masks, encouraging staff and students to stay home when feeling unwell, consistent hand hygiene and respiratory etiquette, and maintaining cleaning and sanitizing protocols. Currently, aligned with the mandates, masks are required indoors in all school district buildings, unless documented that wearing a mask inhibits the individual's health. This requirement is regardless of social distancing capabilities in classrooms, in common areas, and on school buses.

Outdoor masking is currently optional with the exception of waiting in line to enter or exit school buildings. Exceptions to requirements for face coverings include extreme heat outdoors, a staff member's or student's documented medical condition or a disability reflected in a student's IEP that prevents the use of face covering, and if the student is under the age of two and could be at risk for suffocation. There are currently no visitors permitted indoors in our buildings. In the case of an election all voters, poll workers, and security officers are also required to wear a face mask. As per policy 1648, face masks are the responsibility of the individual student and teacher to have and use throughout the school day and on school buses. Extra masks will be provided to any individual who requests, forgets to bring a mask for the day, loses or breaks their mask, or if the mask becomes unwearable or damaged. Face shields to supplement masks are provided to appropriate staff (nurses, child study team members, PK and ABA teachers, etc..). In cases of high temperature, when in any school area that does not have air conditioning, the building administrator determines when and where to rotate staff and students to cooled areas for relief, and for mask breaks outdoors. When the executive orders of the Governor, in conjunction with health officials, expires on March 7th, 2022, face masks will be optional for all staff, students, and visitors, pending an extension by executive order, or decision by the Nutley Board of Education.



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This includes for summer programming in the district buildings, and when returning to school in the Fall of 2022. This plan is based on the current health and safety data, and will only be accepted in the instance of new directives that remove this discretion.

### **B. Physical distancing (e.g., including use of cohorts/podding)**

Currently, the Nutley Public Schools are following the requirements and guidelines established by the New Jersey Department of Health for physical or social distancing. The following procedures are based on the directives given through executive orders by the Governor in conjunction with health officials and guidance from the CDC. Social distancing is defined as one of several actions being taken to limit where and when people can gather in order to stop or slow the spread of infectious disease. Social distancing has been recommended in any setting where there is close contact of people, defined as less than six feet for more than fifteen minutes in 24 hours. Currently, social distancing is to be maintained in schools for the remainder of the school year under the executive order. The CDC has changed its recommendation for social distancing in schools to include three feet between masked students, six feet between staff and students, and six feet between students when masks are removed. Entry and dismissal times, snack and mask breaks will incorporate staggered times to allow for social distancing, and minimize crowding. Each school in the district will provide physical guides, such as tape on floors, blocked seats, and signs on doors and walls to help ensure that staff and students remain at least six feet apart from one another (three feet between students). Additionally, guides for one-way routes in hallways and in stairways will be provided. While lining up and passing, student to student interactions will be three feet apart. When the executive orders of the Governor, in conjunction with health officials, expires on March 7th, 2022, social distancing will be done to the maximum extent possible. This includes for Summer programming in the district buildings, and when returning to school in the Fall of 2022. This plan is based on the current health and safety data, and will only be accepted in the instance of new directives that remove this discretion. Surplus funds from food services will allow us to upgrade our current tents to all-weather restaurant quality tents with sides at the 5 elementary buildings, including gas generators and heaters. These can be used for outdoor classrooms or meal service if necessary.



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## THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY (M)

### **C. Handwashing and respiratory etiquette**

The Nutley Public Schools will continue to follow the requirements and guidelines established by the New Jersey Department of Health for handwashing and respiratory etiquette. The following procedures are based on the directives given through executive orders by the Governor in conjunction with health officials and guidance from the CDC. The Board of Education has worked to adopt and communicate the behaviors determined by health officials and guidance from the CDC that reduce the spread of COVID-19. Hand hygiene in schools will continue to include the teaching and reinforcement of frequent hand hygiene among students and staff, coughing or sneezing into the elbow, and disposing of tissues in a waste receptacle. In schools, students and staff should practice frequent handwashing including at entry and exit, before and after snack and mask breaks, after blowing their nose, sneezing, or coughing, after going to the restroom, and at other key times such as after handling touchpoints (doorknobs, banisters, etc...) Soap and water are effective against COVID-19. All surfaces of hands (front, back, between fingers, fingernails) should be scrubbed with soap and water for at least 20 seconds and dried using single-use hand drying materials (when available) or air dried. If hands are not visibly dirty, hand sanitizer with at least 65% alcohol content can be used as an alternative to washing hands with soap and water. All schools will maintain hand sanitizing stations with alcohol-based hand sanitizers. The stations are in each classroom, at entrances and exits of buildings, and near main offices, lunchrooms and common spaces. These practices will remain in place.

### **D. Cleaning and maintaining healthy facilities, including improving ventilation**

Following the requirements and guidelines as established by the New Jersey Department of Health, and the directives given through executive orders by the Governor in conjunction with health officials and guidance from the CDC, the Nutley Board of Education adopted Board Policy 1648 including facilities cleaning, disinfecting, and maintenance during the COVID-19 pandemic. This guidance is still appropriate for ensuring health and safety. These practices also serve to mitigate the spread of infection not just from COVID-19, but also from the common cold, flu, and other viruses. The custodial/maintenance protocols and cleaning schedule remains in-force with daily cleaning and sanitizing of all facilities and outside common areas on a daily basis. After dismissal each day of instruction, custodial staff will continue to disinfect and/or sanitize all surfaces and classroom/common area spaces. Restrooms are maintained on an hourly basis. The district will continue to adhere to existing required facilities cleaning practices and procedures, and any new specific requirements of the local health department as they arise.



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## THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY (M)

The continued plan follows established cleaning and disinfecting schedules, and emphasizes touchpoint areas to be cleaned such as doorknobs, light switches, desktops, chair backs, and counters. Additionally, ventilation and HVAC systems are monitored to ensure proper operations and acceptable levels of air circulation. All system filters are changed on a regular schedule. Currently, restrooms are limited to approximately one-half of the capacity to provide for social distancing. If a student is waiting to use a restroom, he/she must follow all social distancing signage outside the bathroom. Additionally, waste baskets are emptied more frequently throughout the school day to accommodate the increased use of paper towels. For Spring and Summer programming, and for the return to school Fall 2022, restroom spaces will return to full capacity. Currently, the use of water fountains is restricted to water bottle refilling stations only. For Spring and Summer programming, and for the return to school Fall 2022, full use of water fountains will be reinstated. Currently, every school bus, either district-owned or contracted, is cleaned and disinfected before and after each bus route. This will continue for spring and summer programming, and for the return to school Fall 2022. Currently, the use of playground and physical education equipment is significantly limited due to possible the risk of sharing equipment. If equipment must be shared, the use is staggered, and the equipment is cleaned and disinfected between each use. For Spring and Summer programming, and for the return to school Fall 2022, there are no limitations on the sharing of equipment. These plans for summer programming and for the return to school are based on the current health and safety data, and will only be modified in the instance of new directives that remove this discretion. The school district used ESSER allocations to repair, upgrade and add to the current ventilation systems. This includes air filtration systems in each classroom (280) and office space district wide to clean the inside air, upgrading old exhaust fans and adding new exhaust fans to maximize the natural ventilation in the buildings and to create an increased air exchange, the repair of the HVAC system at Radcliffe School, and the repair of the Zone 5 geothermal unit at Lincoln School. In addition, following a thorough review of district buildings, “hot spots” were identified in four buildings that cannot be cooled by the current system, and there is also a need for several scattered units for medical requirements. Therefore, 59 air conditioning units have been installed. They have been installed primarily in Spring Garden School, Radcliffe School, Yantacaw School, and Nutley High School. The locations are detailed as part of the ESSER grant submission and were reviewed for the public on June 21, 2021 at the regular Board of Education meeting. To facilitate these repairs, upgrades, and additions to the ventilation system electrical service upgrades in four buildings is also required, as well as the installation of dedicated lines and window panels.





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## THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY (M)

### **E. Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments**

The Nutley Public Schools will continue to follow the requirements and guidelines as established by the New Jersey Department of Health for contract tracing in combination with isolation and quarantine. We are currently following procedures and directives given through executive orders by the Governor in collaboration with health officials and guidance from the CDC. Contact tracing has been an effective strategy for identifying positive cases and their contacts, and then working with individuals to interrupt disease transmission to others. This has been successful in Nutley not only for COVID-19, but also pre-pandemic with cases of measles. Therefore, the district will continue to assist state, county, and local health officials with contact tracing when necessary. In collaboration with local health officials, trained Nutley staff members will continue to implement the contact tracing protocols, provide support, and communicate regarding exposure, quarantine, and isolation. In an effort to support local officials with the task of contact tracing, members of the Nutley Public Schools staff completed a six-hour introductory course through Johns Hopkins University. This course provides training on the science of SARSCoV-2, including the infectious period, the clinical presentation of COVID-19, and the evidence for how SARS-CoV-2 is transmitted from person-to-person and why contact tracing can be such an effective public health intervention. Trained staff work with a positive individual to identify everyone with whom he/she believes there has been close contact, which is defined as within six feet (three feet for students) for more than 15 minutes in 24 hours, during the time he/she may have been contagious. The infectious period begins 48 hours before the person begins having symptoms until the time the positive individual is isolated. If the individual is asymptomatic, it is within 48 hours of the positive test. Individuals are notified of their potential exposure as quickly as possible, not revealing the positive individual's identity. Contacts are provided with education, information, and support to help them understand the risk, what they should do to separate themselves from others who have not been exposed, and how to monitor themselves for symptoms of illness. In addition, they are informed of the possibility that they could still spread the infection to others, even if they themselves do not feel ill. On Monday, January 10, 2022, the NJ Department of Health adopted the CDC's guidance to move the quarantine period to five days, regardless of vaccination status. Beginning on Wednesday, January 12, 2022, a Covid-positive individual will stay home and isolate for five days.



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(This includes anyone who tests positive, but is free of symptoms.) If symptoms resolve or improve and the individual is fever-free for 24 hours, they may return to school after five-days of quarantine. If symptoms and fever persist, please continue to quarantine to help mitigate the spread. If needed, schools will be reaching out to student current quarantining to adjust the timeline. After consultation with the health department, updated and more specific guidance will become available in the near future to maximize the safety of our students. Diagnostic and screening testing Following the requirements and guidelines as established by the New Jersey Department of Health, and the directives given through executive orders by the Governor in conjunction with health officials and guidance from the CDC, the Nutley Board of Education adopted Board Policy 1648. This policy includes the daily screening procedures for symptoms and history of exposure for all students and employees upon arrival at school or work. These screening procedures will continue through the end of the 2021-2022 school year. Staff must visually check students for symptoms upon arrival, before entry to the buildings. Individuals with a temperature reading of 100 degrees or more will be excluded from entering any district space. The results are documented when signs/symptoms of COVID-19 are observed. The Board adopted procedures include that students and staff with symptoms related to COVID-19 must be isolated from others. If the school district becomes aware that an individual who has spent time in a district facility tests positive for COVID-19, officials must immediately notify local health officials, staff, and students in close contact, defined as within six feet (three feet for students) for more than 15 minutes in 24 hours, and advise related staff and families of a confirmed case in their classroom, activity or event, even if they or their child did not have close contact. This is communicated while maintaining confidentiality. There will no longer be a daily electronic screening tool for students, staff, or faculty. Program supervisors, building administrators and district staff will continue to encourage parents to be on alert for symptoms of illness in their children, and are asked to keep their child home when they are feeling unwell. Temperature checks will no longer be required prior to entering the buildings. Additionally, the district has engaged in required COVID-19 testing of staff and those students participating in in-person clubs, activities, athletics and events, as well as surveillance testing. These plans are related to diagnostic screening and testing and are based upon the current health and safety data, and will only be accepted in the instance of new directives that require reinstatement of the policy items.





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## THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY (M)

### **F. Efforts to provide vaccinations to educators, other staff, and students, if eligible**

The district continues to coordinate with county and local health officials to promote vaccination availability for students, faculty, and staff. Additionally, the district will be continuing its partnership with Hackensack Meridian Medical. They coordinated the district wide scheduling of vaccinations for faculty and staff, and are prepared to do the same for eligible students.

### **G. Appropriate accommodations for children with disabilities with respect to the health and safety policies**

The Safe Reopening Plan is inclusive of all children in the Nutley learning community, including those students with disabilities. Accommodations for students who are unable to wear a face mask are addressed according to the student's individual need and in accordance with applicable laws and regulations. The screening policy/protocol also takes into account students with disabilities and accommodations they may need as a part of the screening process. In order to meet the needs of all children with disabilities with respect to the health and safety policies, the Department of Special Services and the Director of Transportation will continue to communicate with other district departments and building and district administration to ensure that all aspects of education detailed in the policy and reentry plan are being considered with regard to the needs of individual students. In particular, they will coordinate transportation for students who require transportation, arrange schedules to meet the IEP/best practice needs, communicate the individualized schedules to families, ensure the virtual learning plan aligns with the special education programs described in IEP's, and ensure the five day schedule and staggered start times do not interfere with special needs students' ability to participate fully in instruction, any clubs, teams, or other activities. This work is on-going. Additionally, they will coordinate the PPE needs (masks, face shields, gloves, gowns, head covering, partitions, etc....) for their departments and ensure delivery of the necessary items for instruction and/or related services, for as long as these are necessary or required. Academic, social emotional and mental health supports will continue to be integrated into lessons, classroom programs, and extended opportunities. In addition to increased school counseling support for students, staff and families, the district has implemented social emotional learning curricular supports, and has expanded academic support at each instructional level. These will all be significant as we re-engage students and staff, provide support to families and the community, rebuild relationships, and continue to prioritize individual student's learning needs.



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## THE ROAD FORWARD COVID-19 – HEALTH AND SAFETY (M)

### 2. Ensuring Continuity of Services

A. In addition to implementing policy and protocols to protect the physical health of the district's students, faculty and staff, the impact of virtual learning, social isolation, and the trauma of the pandemic on both educators and students also must be considered. Increased school counseling support for students, staff and families, implementation of social emotional learning curricular supports, and expanded academic support at each instructional level begun in 2020 will continue throughout the school year. All will be significant to re-engaging students and staff, providing support to families, rebuilding relationships, and continuing to prioritize individual student's learning needs. These programs were detailed in the June 21, 2021 public presentation. The district is continuing to provide daily meal distribution for all resident Nutley students through June, 2022, and reinstating the Extended Day program for grades K-6 providing before school and after school care with an improved focus on academics and enrichment.

### 3. Public Comment

A. The proposed Safe Return to School Plan was posted on the district website, sent to all families, staff, and key community stakeholders for review and public comment via [ReentryPlan@NutleySchools.org](mailto:ReentryPlan@NutleySchools.org). The ESSER II proposal for learning loss, mental health, and infrastructure was presented at a public meeting on May 24, 2021 for the Board of Education and administration to receive public comment. The additional ESSER allocation and proposal was presented at a public meeting on June 21, 2021 for the Board of Education and administration to receive additional public comment prior to the Plan submission on June 24, 2021.

Public comment was considered and incorporated into each phase of the development of the Plan.

B. Translation, or accommodations pursuant to ADA can be provided to any parent or community member who needs assistance to read, understand, or receive the Plan.

Adopted:



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CURRICULUM CONTENT (M)

## **2200 CURRICULUM CONTENT (M)**

Adopted: The Board of Education will provide the instruction and services mandated by law and rules as necessary for the implementation of a thorough and efficient system of free public education and such other instruction and services as the Board deems appropriate for the thorough and efficient education of the students of this district. The Board shall annually approve a list of all programs and courses that comprise the district's curriculum and shall approve any subsequent changes in the curriculum in accordance with Policy 2220.

For purposes of this policy “curriculum” means planned learning opportunities designed to assist students toward the achievement of the intended outcomes of instruction.

The curriculum will be reviewed by the Superintendent and approved annually by the Board. In accordance with law, the curriculum shall, as a minimum, include the curricular mandates of N.J.S.A. 18A - Education and N.J.A.C. 6 and 6A - Education and all of the New Jersey Core Curriculum Content Standards and Cumulative Progress Indicators.

### **Districts with secondary school(s)**

[and the courses required by Policy 5460 and N.J.A.C. 6A:8-5 for high school graduation.]

The Superintendent is responsible for implementing the curriculum approved by the Board.

The Board directs the curriculum be consistent with the educational goals and objectives of this district, the New Jersey Core Curriculum Content Standards and responsive to identified student needs. The Superintendent shall, in consultation with teaching staff members, assure the effective articulation of curriculum across all grade levels and among the schools of this district.

The curriculum shall provide programs in accordance with Board policies and the New Jersey Core Curriculum Content Standards, including but not limited to:

1. Preparation of all students for employment or post secondary study upon graduation from high school;



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CURRICULUM CONTENT (M)

2. Instruction in workplace readiness skills, visual and performing arts, comprehensive health and physical education, language arts literacy, mathematics, science, social studies (including instruction on the Constitution of the United States, United States history, Community Civics, and the geography, history and civics of New Jersey), and World Languages;
3. Continuous access to sufficient programs and services of a library/media facility, classroom collection, or both, to support the educational program of all students in accordance with Policy 2530;
4. Guidance and counseling to assist in career and academic planning for all students, in accordance with Policy 2411;
5. A continuum of educational programs and services for all children with disabilities, in accordance with Policy and Regulation 2460;
6. Bilingual education, English as a Second Language, and English language services for students of limited English language proficiency, when the number of such students so necessitates, in accordance with Policy 2423;
7. Programs and services for students at risk who require remedial assistance in accordance with Policies 2414, 2415, and 5460;
8. Equal educational opportunity for all students in accordance with Policies 2260, 5750, and 5755;
9. Career awareness and exploration as required, and vocational education as appropriate;
10. Educational opportunities for students with exceptional abilities, in accordance with Policy 2464;
11. Instruction in accident and fire prevention;
12. A substance abuse prevention program;
13. A program for family life education; and



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## CURRICULUM CONTENT (M)

14. Programs that encourage the active involvement of representatives from the community, business, industry, labor and higher education in the development of educational programs aligned with the standards.

N.J.S.A. 18A:6-2; 18A:6-3; 18A:35-1 et seq.

N.J.A.C. 6A:8-1.1 et seq.; 6A:14 et seq.

New Jersey Core Curriculum Content Standards

Adopted



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#2260 Page 1-1

## AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

### **2260 AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)**

The Board of Education shall 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, gender identity or expression, religion, disability, or socioeconomic status, by:

1. Ensuring equal and barrier-free access to all school and classroom facilities;
2. Attaining minority representation within each school, which approximates the district's overall minority representation. Exact apportionment is not required, however, the ultimate goal is a reasonable plan achieving the greatest degree of racial balance, which is feasible and consistent with sound educational values and procedures;
3. Utilizing a State-approved English language proficiency measure on an annual basis for determining the special needs of English language learners and their progress in learning English pursuant to N.J.A.C. 6A:15-1.3(b);
4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities, pursuant to N.J.A.C. 6A:14-3.4;
5. Ensuring that support services, including intervention and referral services and school health services pursuant to N.J.A.C. 6A:16, are available to all students; and
6. Ensuring that a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies that such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty.

The Board of Education shall ensure that the district's curriculum and instruction are aligned to the New Jersey Student Learning Standards and address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs and by providing opportunities for students to interact positively with others





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## AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, by:

1. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
2. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
  - a. Portions of classes which deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female students, provided that the course content for such separately conducted sessions is the same.
3. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs including gifted and talented, accelerated, and advanced classes;
4. Ensuring that schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials and methods, and that students understand the basic tenet of multiculturalism;
5. Ensuring that African American history, as well as the history of other cultures, is infused into the curriculum and taught as part of the history of the United States, pursuant to N.J.S.A. 18A:35-1 and the New Jersey Core Curriculum Content Standards; and
6. Ensuring that instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate, pursuant to N.J.S.A. 18A:35-28.

The Board of Education shall ensure all students have access to adequate and appropriate counseling services. When informing students about possible careers, professional or vocational opportunities, the Board shall not restrict or limit the options presented to students on the basis of race, creed, color, national origin, ancestry, age, marital status,



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## AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. The district will not use tests, guidance, or counseling materials

which are biased or stereotyped on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.

The Board of Education shall ensure that the district's physical education program and its athletic programs are equitable, co-educational, and do not discriminate on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, as follows:

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

N.J.S.A. 18A:36-20  
N.J.A.C. 6A:7-1.7

Adopted



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AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM  
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#2415.05 Page 1-1

Student Surveys, Analysis, Evaluations, Examinations, Testing, or Treatment

## **2415.05 STUDENT SURVEYS, ANALYSIS, EVALUATIONS, EXAMINATIONS, TESTING, OR TREATMENT**

The Protection of Pupil Rights Amendment (PPRA) (20 USC §1232h; 34 CFR Part 98) applies to school districts that receive funding from the United States Department of Education (USDOE). The PPRA requires written consent from parents or the emancipated student the opportunity to opt out of participation in a survey, analysis, evaluation, examination, testing, or treatment funded in whole or in part by a program of the United States Department of Education that concerns one or more of the areas outlined in this Policy.

### A. Definitions

“Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audiovisual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments. 20 USC §1232h(c)(6)(A).

“Invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening. 20 USC §1232h(c)(6)(B).

“Prior consent” means prior consent of the student, if the student is an adult or emancipated minor or prior written consent of the parent, if the student is an unemancipated minor. 34 CFR §98.4(b).

“Psychiatric or psychological examination or test” means a method of obtaining information, including a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs, or feelings. 34 CFR §98.4(c)(1).

“Psychiatric or psychological treatment” means an activity involving the planned, systematic use of methods or techniques that are not directly related to academic instruction and that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group. 34 CFR §98.4(c)(2).

“Research or experimentation program or project” means any program or project in any program that is funded in whole or in part by the Federal Government and is designed to explore or develop new or unproven teaching methods or techniques. 34 CFR §98.3(b).

### B. Parents’ or Emancipated Students’ Right to Inspection of Materials - 34 CFR §98.3 and 20 USC §1232(c)



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## Student Surveys, Analysis, Evaluations, Examinations, Testing, or Treatment

1. All instructional material, including teachers' manuals, films, tapes, or other supplementary instructional material which will be used in connection with any survey, analysis, or evaluation as part of any applicable program or any research or experimentation program or project shall be available for inspection by the parents of the children engaged in such program or project in accordance with 20 USC §1232h(a) and 34 CFR §98.3(a).

a. The district shall provide reasonable access to instructional material within a reasonable period of time after the request is received in accordance with 20 USC §1232h(c)(1)(C)(ii).

2. The parent shall have the right, upon request, to inspect a survey created by a third party before the survey is administered or distributed to their student pursuant to 20 USC §1232h(c)(1)(A)(i).

a. The district shall provide reasonable access to such survey within a reasonable period of time after the request is received in accordance with 20 USC §1232h(c)(1)(A)(ii).

3. The parent shall have the right, upon request, to inspect any instrument used in the collection of personal information from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), before the instrument is administered or distributed to their student pursuant to 20 USC §1232h(c)(1)(F)(i).

a. The district shall provide reasonable access to such instrument within a reasonable period of time after the request is received in accordance with 20 USC §1232h(c)(1)(F)(ii).

### C. Protection of Students' Privacy in Examination, Testing, or Treatment with Prior Consent - 34 CFR §98.4

1. In accordance with 34 CFR §98.4(a) no student shall be required, as part of any program funded in whole or in part by a program of the USDOE, to submit without prior consent to psychiatric examination, testing, or treatment, or psychological examination, testing, or treatment, in which the primary purpose is to reveal information concerning one or more of the following:

- a. Political affiliations;
- b. Mental and psychological problems potentially embarrassing to the student or the student's family;
- c. Sex behavior and attitudes;
- d. Illegal, anti-social, self-incriminating, and demeaning behavior;



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- e. Critical appraisals of other individuals with whom the student has close family relationships;
- f. Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or
- g. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program.

### D. Protections of Students' Rights for Surveys, Analysis, or Evaluation - 20 USC §1232h

1. In accordance with 20 USC §1232h(b) no student shall be required, as part of any applicable program, to submit to a survey, analysis, or evaluation, without prior consent, that reveals information concerning:

- a. Political affiliations or beliefs of the student or the student's parent;
- b. Mental and psychological problems of the student or the student's family;
- c. Sex behavior or attitudes;
- d. Illegal, anti-social, self-incriminating, or demeaning behavior;
- e. Critical appraisals of other individuals with whom the student has close family relationships;
- f. Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;





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## Student Surveys, Analysis, Evaluations, Examinations, Testing, or Treatment

- g. Religious practices, affiliations, or beliefs of the student or student's parent; or
  - h. Income, (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program).
2. Parents' or Emancipated Students' Right to Opt Out - 20 USC §1232h(c)(2)
- a. The district shall provide notice and offer an opportunity for parents to opt their student out or for emancipated students to opt out of participation in the following activities:
    - (1) Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).
    - (2) The administration of any survey containing one or more of the items listed in D.1. above.
    - (3) Any nonemergency, invasive physical examination or screening that is:
      - (a) Required as a condition of attendance;
      - (b) Administered by the school and scheduled by the school in advance; and
      - (c) Not necessary to protect the immediate health and safety of the student, or of other students.



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b. The district shall directly notify parents at least annually at the beginning of the school year of the specific or approximate dates during the school year when activities described in D.2.a. above are scheduled or expected to be scheduled in accordance with 20 USC §1232h(c)(2)(B).

3. Exceptions – 20 USC §1232h(c)(4)

a. The provisions of 20 USC §1232h do not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

(1) College or other postsecondary education recruitment, or military recruitment in accordance with Policy 9713;

(2) Book clubs, magazines, and programs providing access to low-cost literary products;

(3) Curriculum and instructional materials used by schools in the district;

(4) Tests and assessments used by schools in the district to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

(5) The sale by students of products or services to raise funds for school-related or education-related activities;  
and

(6) Student recognition programs.

b. The provisions of this Policy:



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(1) Shall not be construed to preempt applicable provisions of New Jersey law that require parental notification; and

(2) Do not apply to any physical examination or screening that is permitted or required by an applicable New Jersey law, including physical examinations or screenings permitted without parental notification.

4. Policy Adoption or Revision – 20 USC §1232h(c)(2)(A)(i)

The district shall provide this Policy to parents and students at least annually at the beginning of the school year, and provide notice within a reasonable period of time after any substantive change is made to this Policy.

E. Student Privacy – 20 USC §1232h and 34 CFR §98

The district shall ensure a student's privacy is protected regarding any information collected in accordance with this Policy.

F. Violations of the PPRA – 20 USC §1232h and 34 CFR §98

Parents or students who believe their rights under PPRA may have been violated may file a complaint with the USDOE.

In addition to the provisions of 20 USC §1232h, 34 CFR §98, and this Policy, the Superintendent or designee shall ensure compliance with the provisions of N.J.S.A. 18A:36-34 and Policy 9560 – Administration of School Surveys before students are required to participate in any academic or nonacademic survey, assessment, analysis, or evaluation.



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Student Surveys, Analysis, Evaluations, Examinations, Testing, or Treatment

The Protection of Pupil Rights Amendment (PPRA)

20 USC §1232h

34 CFR Part 98

Elementary and Secondary Education Act of 1965 (20 USC 2701 et seq.) as

amended by Every Student Succeeds Act

N.J.S.A 18A:36-34

Adopted:



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## TITLE I – EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE (M)

### **2415.30 TITLE I – EDUCATIONAL STABILITY FOR CHILDREN IN FORSTER CARE (M)**

The Federal Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), initiated protections for children in foster care that further enhanced the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act). These provisions require school districts to work with child welfare agencies to ensure the educational stability of children in foster care. New Jersey statutes support and implement Federal legislation and require New Jersey’s child welfare agencies and school districts to collaborate and to keep children placed in foster care in the same school when their living placements change if remaining in that school is in the child’s best interest. The educational stability of children in foster care is the joint responsibility of both the educational and child welfare systems.

The Registrar shall be designated as the Board of Education’s point of contact person for all matters related to the educational stability for children in foster care. The point of contact person for the school district shall not be the same person designated as the school district liaison for the education of homeless children.

For the purpose of this Policy, “child welfare agency” shall be the New Jersey Department of Children and Families.

For the purpose of this Policy, “foster care” means twenty-four hour substitute care for children placed away from their parents and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.



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## TITLE I – EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE (M)

For the purpose of this Policy, “school of origin” is the school district in which the child is enrolled at the time of placement in foster care or the school district of residence as per N.J.S.A. 30:4C-26 and N.J.S.A. 18A:7B-12.

A child in foster care shall remain in his/her school of origin if it is determined to be in the best interest of the child for the duration of time in foster care.

If a student attending the school district in accordance with the provisions of N.J.S.A. 18A:38-1 et seq. is placed in foster care, the school district contact person will collaborate with child welfare agencies to determine whether it is in the child’s best interest to remain in the school district taking into consideration all factors relating to the child’s best interest. These factors shall include the appropriateness of the current educational setting and proximity of placement (ESEA Section 1111(g)(1)(E)(i)). These factors may include, but are not limited to:

1. Preferences of the child;
2. Preferences of the child’s parent(s) or educational decision maker(s);
3. The child’s attachment to the school, including meaningful relationships with staff and peers;
4. The proximity of the resource family home to the child’s present school;
5. The age and grade level of the child as it relates to the other best-interest factors;
6. The needs of the child, including social adjustment and well-being;
7. The child’s performance, continuity of education, and engagement in the school the child presently attends;
8. The child’s special education programming if the child is classified;
9. The point of time in the school year;
10. The child’s permanency goal and likelihood of reunification;





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## TITLE I – EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE (M)

11. The anticipated duration of the placement;
12. Placement of the child’s sibling(s);
13. Influence of the school climate on the child, including safety;
14. The availability and quality of the services in the school to meet the child’s educational and socioemotional needs;
15. History of school transfers and how they have impacted the child;
16. How the length of the commute would impact the child, based on the child’s developmental stage;
17. Whether the child is a student with a disability under the Individuals with Disabilities Act (IDEA) who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
18. Whether the child is an English language learner (ELL) and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act of 1974 (EEOA).

The school district’s point of contact person will discuss these factors and will make every effort to gather meaningful input and participation from the relevant parties, including appropriate school personnel, in the best-interest determination.

Eligible students with disabilities retain their right to receive a free appropriate public education in the least restrictive environment. When making a best-interest determination regarding the educational placement of a student with a disability under IDEA and Section 504, the Board must ensure that all required special education and related services are provided in the least restrictive placement where the child’s unique needs, as described in the student’s Individualized Education Program (IEP) or Section 504 Plan, can be met. The school district will identify and assess all potential ELL students and provide all ELL



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## TITLE I – EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE (M)

students, including ELL students in foster care, with a language assistance program that is educationally sound and proven successful. When a best-interest determination is made for an ELL student in foster care, the Board of Education will comply with its obligations under Title VI and the EEOA.

To the extent feasible, a child shall remain in his/her school of origin until a final best-interest determination is made. The child welfare agency will notify the school district of origin of the child's school placement after collaboration with the Board of Education's point of contact person and after the child's best-interest determination has been made. If a change of school is recommended by the child welfare agency, the new school shall immediately contact the school of origin to obtain relevant academic and other records of the foster care child. The financial responsibility for the payment of tuition for a foster care child placed outside the school district of origin and attending school outside the school district of origin shall be determined by the Commissioner of Education in accordance with N.J.S.A. 18A:7B-12 – Determination of District of Residence.

A foster care child who has been placed in this district and exits foster care during the school year **will** be permitted to continue in this school district for the remainder of the school year.

In the event there is a disagreement regarding school placement for a child in foster care, the school district will comply with the legal requirements for resolving the dispute. A parent can appeal a best-interest determination whenever the child changes schools.

Children placed in foster care outside the school district of origin, attending a school in that district, will be provided transportation to and from school in accordance with N.J.A.C. 6A:27-6.1 et seq. and the Transportation Policy of that district. The district of origin is financially responsible for transportation costs to and from school.

Children placed in foster care outside the school district of origin, but remaining in a school within the school district of origin, shall receive transportation to and from school on a "cost-efficient" manner and in accordance with Section 475(4)(A) of the Social Security Act for the duration of the time the child is in foster care. The district of origin is financially responsible for transportation costs to and from school.

The cost of transportation shall not be considered when determining the best interest of the child.



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## TITLE I – EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE (M)

Section 475(4)(A) of the Social Security Act provides guidance on “cost-effective” transportation as it relates to the cost of reasonable travel for foster care children placed outside the school district of origin to their school of origin indicating: the child may be dropped off at a bus stop just within the school district of origin to be transported to a school in the district of origin; the school district may offer a public transportation option; the foster care parents or other families may be willing to drive the child to school in the school district of origin; the school district may utilize pre-existing bus routes or stops close to the out-of-district foster care placement that cross school district boundaries; or the foster care child may be eligible for transportation under other Federal or State requirements.

In the event there is a disagreement regarding transportation for a child in foster care, the school district will comply with the New Jersey Department of Education requirements for resolving the dispute. The Board of Education shall provide or arrange for adequate and appropriate transportation for foster care children while any disputes are being resolved.

In all cases regarding student data and records, the Board of Education will comply with all statutory requirements to protect student privacy, including Family Education Rights and Privacy Act (FERPA), and all other privacy requirements under Federal laws, State statutes, and administrative codes.

N.J.S.A. 18A:7B-12

N.J.S.A. 30:4C-26

New Jersey Department of Education Memorandum dated October 4, 2016 –

Ensuring Educational Stability for Children in Foster Care United States Departments of Education and Health and Human Services – Non- Regulatory Guidance - Ensuring Educational Stability for Children in Foster Care – June 23, 2016

Adopted



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BILINGUAL AND ESL EDUCATION (M)

## **2423 BILINGUAL AND ESL EDUCATION (M)**

The Board of Education will provide programs of bilingual education, English as a second language (ESL), and English language services for English language learners (ELLs) as required by law and rules of the State Board of Education. ELLs are those students whose native language is other than English and who have varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability pursuant to N.J.S.A. 18:35-15 to 26.

### Identification of ELLs

The Board will conduct a screening process to determine the native language of each ELL at the time of enrollment in the school district. A census shall be maintained of all identified students whose native language is other than English. The English language proficiency of each student whose native language is not English shall be determined by a screening process that includes the administration of a New Jersey Department of Education-approved English language proficiency test, an assessment of the student's level of reading in English, a review of the student's previous academic performance including their performance on standardized tests in English, and a review of the input of teaching staff members responsible for the educational program for ELLs.

### Program Implementation

The district shall provide the following programs:

1. An English language services program to improve the English language proficiency of ELLs whenever there are at least one, but fewer than ten ELLs enrolled in the school district. English language services shall be provided in addition to the regular school program;
2. An ESL program that provides at least one period of ESL instruction based on student language proficiency whenever there are ten or more ELLs enrolled in the school district; and
3. A bilingual education program whenever there are twenty or more ELLs in any one-language classification enrolled in the school district pursuant to N.J.S.A. 18A:35-18. Where the age range, grade span, and/or geographical location of eligible students



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## BILINGUAL AND ESL EDUCATION (M)

makes a full-time bilingual program impractical, the Board may annually offer an instructional program alternative, provided a waiver for the alternative program has been requested and approval has been granted by the Department of Education. The Board may establish a program in bilingual education for any language classification with fewer than twenty students.

All teachers in these programs shall be appropriately certified in accordance with the requirements as outlined in N.J.A.C. 6A:15-1.9. Every student participating in a bilingual, ESL, or English language services program shall be entitled to continue such participation until deemed eligible for exit based on criteria set for exit of ELLs pursuant to N.J.S.A. 18A:35-19.

Bilingual, English as a Second Language, and English Language Services Program Enrollment, Assessment, Exit, and Re-entry

Students enrolled in a bilingual, ESL, or English language services program shall be assessed annually using a New Jersey Department of Education-approved English language proficiency test to determine their progress in achieving English language proficiency goals and readiness for exiting the program. ELLs enrolled in a bilingual, ESL, or English language services program shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in the English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a New Jersey Department of Education-established standard on an English language proficiency test. The readiness of the student shall be further assessed on the basis of multiple indicators that shall include, at a minimum: classroom performance; the student's reading level in English; the judgment of the teaching staff member or members responsible for the educational program of the student; and performance on achievement tests in English.

In accordance with provisions of N.J.S.A. 18A:35-22.1, a parent may remove a student who is enrolled in a bilingual education program at any time; except that during the first three years of a student's participation in a bilingual education program, the parent may only remove the student at the end of each school year. If during the first three years of a student's participation in a bilingual education program, a parent wishes to remove the student prior to the end of each school year, the removal must be approved by the Executive County Superintendent of Schools. The parent may appeal the Executive County Superintendent's decision to the Commissioner of Education.



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## BILINGUAL AND ESL EDUCATION (M)

Newly exited students who are not progressing in the mainstream English program may be considered for re-entry to bilingual and ESL programs in accordance with the provisions of N.J.A.C. 6A:15-1.10(e)1 through (e)5.

When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the student's parent shall be informed by mail of the placement determination. A parent or teaching staff member who disagrees with the proposed placement may appeal the decision in writing to the Superintendent of Schools or designee, who will provide a written explanation for the decision within seven working days. The complainant may appeal this decision in writing to the Board within seven calendar days of receiving the Superintendent's or designee's written explanation of the decision. The Board will review the appeal and respond in writing to the parent within forty-five calendar days of the Board's receipt of the parent's written appeal to the Board. A complainant not satisfied with the Board's determination of the appeal may appeal to the Commissioner of Education.

### Parental Involvement

The parents of ELLs will be notified in accordance with the provisions of N.J.A.C. 6A:15-1.13 that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services program. Notice shall be in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English. The notice must also include a statement that the parents have the option of declining their child's enrollment in a bilingual program, and shall be given an opportunity to do so if they choose.

The district will notify the parents of ELLs by mail within thirty days of the child's identification.

Parents shall receive progress reports of students enrolled in bilingual, ESL, or English language services programs in the same manner and frequency as progress reports are sent to parents of other students enrolled in the district.

The Superintendent or designee will provide for the maximum practical involvement of parent(s) of ELLs in the development and review of program objectives and dissemination of information to and from the district Boards of Education and communities served by the bilingual, ESL, or English language services education programs. A school district that implements a bilingual education program shall establish a parent advisory committee on bilingual education of which the majority membership will be parents of ELLs.

### Graduation



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BILINGUAL AND ESL EDUCATION (M)

ELLs will qualify for graduation from high school in accordance with N.J.A.C. 6A:8-5.1(a) and Policy 5460.

## Program Plan

The Superintendent shall prepare and submit a plan for a bilingual, ESL, or English language services program every three years to the Board and the New Jersey Department of Education for approval in accordance with the provisions of N.J.A.C. 6A:15-1.6.

N.J.S.A. 18A:35-15 through 18A:35-25

N.J.A.C. 6A:15-1.1 et seq.

Adopted



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Adult High School (M)

## 2451 ADULT HIGH SCHOOL

The Board of Education may determine a need exists in the community for the provision of educational services that will enable out-of-school adults to qualify for a State-endorsed high school diploma issued by the Board. The purpose of this program is to provide comprehensive life-long learning opportunities for adults. Accordingly, the Board may establish and implement a State-approved adult high school.

The Board of Education may open and operate an adult high school, which shall offer **students** opportunity, accessibility, and flexibility while maintaining high standards inherent in the awarding of a high school diploma pursuant to N.J.S.A. 18A:50-1 et seq. and **N.J.A.C. 6A:20-2.1** et seq. Courses shall be sufficiently varied **to meet** the educational needs of **students** and shall be designed to challenge **students** to achieve their highest level of educational ability.

An educational plan shall be developed for each student in the district's adult high school program reflecting the student's past academic record, an analysis of past experiences for which credit may be awarded **pursuant to N.J.A.C. 6A:20-2.6**, graduation requirements, and a proposed schedule of courses for the current school year leading to completion of graduation requirements.

**A.** Eligibility for Enrollment – N.J.A.C. 6A:20-2.2

**1.** To qualify for enrollment in the adult high school, a person shall:

**a.** Be a New Jersey resident **at least sixteen years of age**

**(1)** A **student** enrolled in secondary school with senior standing who lacks an opportunity to take at **their** secondary school courses that are available in an adult high school shall be **eligible to take courses at the adult high school** provided the Superintendents of both the sending and receiving school districts approve in a written joint agreement the participation of **the student** on a space-available basis in **the** adult high school. The written approval shall explicitly state the course(s) to be taken, **the credits offered for each subject**, and the time frame covered by the agreement. Tuition established by the receiving school district on a cost-recovery basis may be charged to the sending school district for **students** enrolled under this exception, **if applicable**;

**b.** Have not earned a State-endorsed **or State-issued** high school diploma;

**(1)** Persons holding **State-endorsed** high school diplomas may enroll in an adult high school on a space-available basis for the express purpose of supplementing their high school record. Tuition established by the host school district on a cost-recovery basis may be charged to persons enrolling under this exception; and

**c** Complete and sign a **locally created** application for enrollment, including a statement of responsibilities.

**B.** English Language Learners N.J.A.C. 6A:20-2.3





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Adult High School (M)

1. **English language learners (ELLs)** shall be required to demonstrate language **proficiency** on a State-approved English proficiency assessment at a score level determined by the **New Jersey** State Board of Education

a. **ELLs shall be referred to appropriate classes in the adult high school to attain English language proficiency.**

(1) **If the language improvement needs of the individual cannot be met by the adult high school, then the Principal shall refer the person to a New Jersey Department of Labor and Workforce Development Career Connections website.**

C. **Individuals with Disabilities – N.J.A.C. 6A:20-2.4**

1. For an **individual** with a previous **Individualized Education Program (IEP)** seeking similar services at an adult high school, the Principal of the adult high school shall request, with **the written consent of the individual**, the most recent evaluation and for the **individual** from the high school of last attendance, provided the evaluation was made within the last three years

a. The Principal shall review the IEP to determine the services required by the plan and the availability of such services at the adult high school.

(1) If the IEP can be carried out, it shall serve as the instructional guide for the **individual**.

(2) If the Principal determines the IEP cannot be carried out, the Principal shall promptly refer the **individual** to the nearest adult high school with staff available to offer the special services required in the IEP or to **the** appropriate county or State agencies or institutions with resources and personnel able to serve the **individual's** needs

b. If the evaluation was made more than three years prior to application to the adult high school, the IEP may not serve as a guide for the **individual's** instructional program at the adult high school. **The individual shall be referred to the IEP team for a reevaluation in accordance with N.J.A.C. 6A:14 - Special Education.**



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Adult High School (M)

2. For an individual who previously had a 504 Plan, the Principal of the adult high school shall request, with the written consent of the individual, the most recent 504 Plan for the individual from the high school of last attendance, provided the evaluation was made within the last year. The school district shall determine if the 504 Plan needs to continue, be discontinued, and/or updated. The Principal of an adult high school may request a doctor's note with a rationale and treatment plan to verify the continued need for the 504 Plan.

3. An individual with a disability who does not qualify for special education and related services, pursuant to N.J.A.C. 6A:14, N.J.A.C. 6A:20-2.4(a), and C.1. above, and who does not have a previous 504 Plan shall be counseled regarding educational options that would lead to a high school diploma.

D. Graduation Requirements – N.J.A.C. 6A:20-2.54

1. Adult high school students must pass the Statewide assessment for graduation pursuant to N.J.A.C. 6A:8-5.1.

a. Students who are enrolled in the adult high school and are unable to pass the Statewide assessment for graduation, pursuant to N.J.A.C. 6A:8-5.1, shall receive further evaluation through the portfolio appeal process, pursuant to N.J.A.C. 6A:8-5.1

b. ELLs who are enrolled in the adult high school and are unable to pass the Statewide assessment for graduation, required at N.J.A.C. 6A:8-5.1, shall receive ~~be~~ further evaluation pursuant to N.J.A.C. 6A:8-5.1(h), and shall demonstrate English language fluency on a New Jersey Department of Education approved English proficiency assessment. The portfolio appeals process shall be undertaken in the ELL's native language, when available.

2. When operating an adult high school, the Board shall ensure that students meet the requirements for high school graduation pursuant to N.J.A.C. 6A:8-5.

3. The staff of the adult high school shall distribute to each entering student a copy of all State and local adult high school graduation requirements. At the beginning of each course, all students shall receive a list of proficiencies required for the successful completion of the course.

4. Successful completion of the requirements set forth in N.J.A.C. 6A:20-2.54(a) and (b), D.1. and D.2. above, and the requirements established by the Board, shall be required as conditions for awarding a locally issued, State-endorsed diploma.

5. The Board shall not issue a State-endorsed high school diploma without State approval of the adult high school program.



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Adult High School (M)

6. **The Board shall not issue a State-endorsed high school diploma without signed verifications for all credit awarded for experience and an official transcript(s) being on file.**

E. Award of Credit – N.J.A.C. 6A:20-2.6

A Board of Education operating an adult high school shall annually adopt, at a public meeting, policies that provide for the awarding of credit, subject to the provisions outlined in N.J.A.C. 6A:20-2.6(a)1. through 6A:20-2.6(a)12.

F. Awarding Credit for Foreign **Studies** N.J.A.C. 6A:20-2.7

Credit for the equivalent of American secondary school studies experienced in a foreign country shall be reviewed by **the school district operating the adult high school. If the school district cannot review the secondary studies experienced in a foreign country, the secondary studies shall be reviewed by** a recognized foreign credential evaluation expert or service. The cost of **the foreign credential evaluation expert or service** shall be borne by the student.

G. Maintaining Student Records – N.J.A.C. 6A:20-2.8

The adult high school shall have the responsibility to compile, maintain, and retain student records, including daily attendance records, and to regulate access to and security of such records.

H. Staffing – N.J.A.C. 6A:20-2.9

1. The adult high school shall have an adequate number of professional staff, properly certified for their respective assignments; however, persons involved in adult advisement shall be certified as either a Principal, supervisor, counselor, or teacher.

2. The Board shall assign to professional staff members only position titles recognized in N.J.A.C. 6A:9B → State Board of Examiners and Certification.

I. Special Conditions – N.J.A.C. 6A:20-2.10

The rules set forth elsewhere in N.J.A.C. 6A governing the operation of a high school within **the** school district shall govern the operation of an adult high school, unless otherwise explicitly stated in **N.J.A.C. 6A:20-2 and this** Policy

N.J.S.A. 18A:7C-8; 18A:38-16; 18A:48-1; 18A:50-1 et seq.

N.J.A.C. 6A:20-2.1 et seq.

Adopted:



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Student Assessment

## **2622 STUDENT ASSESMENT**

State assessments provide parents with important information about their child's progress; detailed diagnostic information about each individual student's performance that educators, parents, and students can utilize to enhance foundational knowledge and student achievement; and include item analysis which will clarify a student's level of knowledge and understanding of a particular subject or area of a subject. The data derived from State assessments are utilized by teachers and administrators to pinpoint areas of difficulty and customize instruction accordingly. Such data can be accessed and utilized as a student progresses to successive school levels.

The Commissioner of Education, in accordance with N.J.S.A. 18A:7C-1 et seq. and 18A:7E-2 and 3, may implement assessments of student achievement in any grade(s) and by such assessments as the Commissioner deems appropriate. The system and related schedule of Statewide assessments shall be approved by the New Jersey State Board of Education. The school district shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments pursuant to N.J.A.C. 6A:8-4.1(c) and (d).

Pursuant to N.J.A.C. 6A:8-4.1(c), all students at grade levels three through twelve, and at any other grade(s) designated by the Commissioner pursuant to N.J.A.C. 6A:8-4.1(a), shall take all appropriate Statewide assessments as scheduled. The school district will provide accommodations or modifications to the Statewide assessment system in accordance with the provisions of N.J.A.C. 6A:8-4.1(d).

Students with disabilities as defined in N.J.A.C. 6A:14-1.3 shall participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10. The school district shall administer the alternative State assessment for students with disabilities in accordance with the provisions of N.J.A.C. 6A:8-4.1(d)3.

The school district shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(a)6, (f), (g), (h), or (i), as applicable.

The school district shall maintain an accurate record of each student's performance on Statewide assessments and maintain for every student a ninth grade through graduation transcript in accordance with the provisions of N.J.A.C. 6A:8-4.2(d). The designee shall report assessment results to the public and provide educators, parents, and students with assessment results in accordance with the provisions of N.J.A.C. 6A:8-4.3.

N.J.S.A. 18A:7C-1 et seq.; 18A:7E-2; 18A:7E-3

N.J.A.C. 6A:8-4.1 et seq.; 6A:8-5.1; 6A:14-1.1 et seq.; 6A:14-3.7; 6A:14-4.10

Adopted:



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Nutley Public Schools  
TEACHING STAFF MEMBERS  
#3111 Page 1-1  
CREATING POSITIONS

## **3111 CREATING POSITIONS**

The Board of Education recognizes its authority to create and fill teaching staff member positions to implement a thorough and efficient system of free public schools.

The Board shall, upon the Superintendent's recommendation, create new positions as required and approve job titles and job descriptions. The job description shall outline the background experiences and personal qualities, if any, to be required of candidates or preferred among applicants for a particular position.

The Superintendent shall recommend to the Board such new positions or additions to existing employment categories as may be required by the specific instructional needs of students of the district and each school within the district.

In accordance with the provisions of N.J.A.C. 6A:9B-5.5, titles assigned to teaching staff members shall be recognized by the New Jersey Department of Education. The Department of Education shall maintain and make available a list of approved job titles with corresponding authorized certificates. In the event the Board desires to use an unrecognized title, or if a previously established unrecognized title exists, the Board, prior to appointing a candidate, shall submit to the Executive County Superintendent a written request, including a detailed job description, for permission to use the proposed title. The Executive County Superintendent shall exercise discretion regarding approval of the request and shall determine the appropriate certification and title for the position.

The Executive County Superintendent shall review annually all previously approved unrecognized position titles and shall determine whether the titles will be continued for the next school year. Decisions rendered by the Executive County Superintendent regarding titles and certificates for unrecognized positions shall be binding upon future seniority determinations on a case-by-case basis.

N.J.S.A. 18A:16-1; 18A:28-1 et seq.  
N.J.A.C. 6A:9B-5.1; 6A:9B-5.5

Adopted:



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS

#3125.2 Page 1-1

## EMPLOYMENT OF SUBSTITUTE TEACHERS

### **3125.2 EMPLOYMENT OF SUBSTITUTE TEACHERS**

The Board of Education will employ substitutes in order to ensure continuity in the instructional program and will approve a list of substitutes on an annual basis and additional approved substitutes will be added to the approved list throughout the school year. Substitute teachers will be employed from the substitute list recommended by the Superintendent and approved by the Board. The Board shall also approve the substitute rate of pay.

All substitute teachers must possess a substitute credential issued by the New Jersey State Board of Examiners in accordance with the provisions of N.J.A.C. 6A:9B-7.1 et seq. All substitute teachers are required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1 et seq. and New Jersey Department of Education regulations and procedures for criminal history record checks. In accordance with the provisions of N.J.S.A. 18A:6-7.1b., a substitute teacher who is rehired annually by the Board shall only be required to undergo a criminal history record check as required by N.J.S.A. 18A:6-7.1 et seq. upon initial employment, provided the substitute continues in the employ of at least one of the districts at which the substitute was employed within one year of the approval of the criminal history record check.

A substitute teacher shall follow the daily lesson plan provided by the regular teacher and, when that plan is exhausted or unavailable, the instructions of the Principal. A substitute teacher may not plan or direct an instructional program except as expressly permitted by the Superintendent.

In accordance with the provisions of N.J.S.A. 18A:16-1.1b. and N.J.A.C. 6A:9B-7.4(c), a vacant teaching position may only be filled by one or more individuals employed as substitute teachers and holding an instructional certificate of eligibility (CE), certificate of eligibility with advanced standing (CEAS), or standard certificate issued by the New Jersey State Board of Examiners with an endorsement within the scope of the subject being taught for no more than sixty instructional days in the same classroom per year. The sixty day limit may be extended if the Executive County Superintendent is notified of an extension by the school district which shall demonstrate:

1. The school district was unable to hire an appropriately certified teacher for the vacant position;



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Nutley Public Schools  
TEACHING STAFF MEMBERS

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## EMPLOYMENT OF SUBSTITUTE TEACHERS

2. The school district is filling the position subject to the limitations in a local contract or N.J.A.C. 6A:9B-7.1; and
3. Holders of an instructional CE or CEAS with an endorsement within the scope of the subject being taught meet the following provisions:
  - a. CE or CEAS holders obtain a provisional certificate;
  - b. CE or CEAS holders are enrolled in a district mentoring program upon obtaining a provisional certificate;
  - c. CE holders are accepted into a CE educator program and will begin coursework in the program's next available cohort.

In the event that one individual employed pursuant to the provisions of N.J.S.A. 18A:16-1.1b. is employed in the same position for more than sixty days, the substitute shall be compensated by the school district on a pro-rata basis consistent with the salary provided to a teacher with similar credentials in the school district.

In accordance with the provisions of N.J.S.A. 18A:16-1.1c. and N.J.A.C. 6A:9B-7.4(b), a vacant teaching position may only be filled by one or more individuals employed as substitute teachers and holding an instructional CE, or a CEAS, or a standard certificate issued by the New Jersey State Board of Examiners with an endorsement not within the scope of the subject being taught for no more than forty instructional days in the same classroom per year. The Executive County Superintendent of Schools shall be notified by the Superintendent or designee if a holder of an instructional CE or CEAS substitutes for more than twenty instructional days in the same classroom.

Holders of a career and technical education substitute credential pursuant to N.J.A.C. 6A:9B-7.5 shall be permitted to substitute for no more than forty instructional days in the same classroom per year in accordance with the provisions of N.J.A.C. 6A:9B-7.4(b)2.

In accordance with the provisions of N.J.S.A. 18A:16-1.1a. and N.J.A.C. 6A:9B-7.4(a), a vacant teaching position may only be filled by one or more individuals holding a substitute credential or holding an administrative or educational services certificate without an instructional CE, CEAS, or standard certificate issued by the New Jersey State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-38 for no more than twenty instructional days in the same classroom per year. The Commissioner of Education may grant an extension of up to an additional twenty school days upon written application from





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EMPLOYMENT OF SUBSTITUTE TEACHERS

the school district demonstrating the district's inability to hire an appropriately certified teacher for the vacant position within the original twenty-day time limit.

N.J.S.A. 18A:6-7.1 et seq.; 18A:16-1.1a.; 18A:16-1.1b.;  
18A:16-1.1c.; 18A:16-1.1d.  
N.J.A.C. 6A:9B-7.1; 6A:9B-7.2; 6A:9B-7.3; 6A:9B-7.4;  
6A:9B-7.5

Adopted:



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#3134 Page 1-1  
ASSIGNMENT OF EXTRA DUTIES

## **3134 ASSIGNMENT OF EXTRA DUTIES**

The professional responsibilities of teaching staff members include such extra duties as may be assigned by the Superintendent or designee. The Superintendent or designee will, in accordance with the Board of Education's managerial prerogative, assign teaching staff members extra duties that are in accordance with applicable law and any collective bargaining agreement.

All aspects of assignment to, retention in, dismissal from, and any terms and conditions of employment concerning extra-curricular activities shall be deemed mandatory subjects for collective negotiations in accordance with the provisions of N.J.S.A. 34:13A-23.

Performance in any extra duties may be considered in a teaching staff member's evaluation.

N.J.S.A. 18A:27-4  
N.J.S.A. 34:13A-23

Adopted:



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## SUSPENSION UPON CERTIFICATION OF TENURE CHARGE

### **3144.3 SUSPENSION UPON CERTIFICATION OF TENURE CHARGE**

Upon certification of any tenure charge to the Commissioner of Education, the Board of Education may suspend the person against whom such charge is made, with or without pay. However, if the determination of the tenure charge by the arbitrator is not made within one hundred twenty calendar days after certification of the tenure charges, excluding all delays which are granted at the request of such person, then the full salary (except for said one hundred and twenty days) of such person shall be paid beginning on the one hundred twenty-first day until such determination is made.

Should the tenure charge be dismissed at any stage of the process, the person shall be reinstated immediately with full pay from the first day of such suspension. Should the tenure charge be dismissed at any stage of the process and the suspension be continued during an appeal, then the full pay or salary of such person shall continue until the determination of the appeal. However, the Board of Education shall deduct from said full pay or salary any sums received by such employee or officers by way of pay or salary from any substituted employment assumed during such period of suspension.

Should the charge be sustained on the original hearing or an appeal, and should such person appeal from the same, then the suspension may be continued unless and until such determination is reversed, in which event the employee or officer shall be reinstated immediately with full pay from the date of such suspension.

N.J.S.A. 18A:6-14

Adopted:



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## CERTIFICATION OF TENURE CHARGES – INEFFICIENCY (M)

### **3144.12 CERTIFICATION OF TENURE CHARGES – INEFFICIENCY (M)**

In accordance with the provisions of N.J.S.A. 18A:6-17.3 and notwithstanding the provisions of N.J.S.A. 18A:6-11 or any other section of law to the contrary, in the case of a teacher, Principal, Assistant Principal, and Vice Principal, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency whenever the employee is rated ineffective or partially effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation.

If the teacher, Principal, Assistant Principal, or Vice Principal is rated partially effective in two consecutive annual summative evaluations or is rated ineffective in an annual summative evaluation and the following year is rated partially effective in the annual summative evaluation, the Superintendent shall promptly file with the Secretary of the Board of Education a charge of inefficiency, except that the Superintendent upon a written finding of exceptional circumstances may defer the filing of tenure charges until after the next annual summative evaluation. If the employee is not rated effective or highly effective on this next annual summative evaluation, the Superintendent shall promptly file a charge of inefficiency.

Within thirty days of the filing, the Board of Education shall forward a written charge to the Commissioner of Education, unless the Board of Education determines the evaluation process has not been followed.

Notwithstanding the provisions of N.J.S.A. 18A:6-16 or any other section of law to the contrary, upon receipt of a charge pursuant to N.J.S.A. 18A:6-17.3.a, and this Policy, the Commissioner of Education shall examine the charge. The individual against whom the charges are filed shall have ten days to submit a written response to the charges to the Commissioner of Education. The Commissioner of Education shall, within five days immediately following the period provided for a written response to the charges, refer the case to an arbitrator and appoint an arbitrator to hear the case, unless the Commissioner determines the evaluation process has not been followed.



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#3144.12 Page 2-1

## CERTIFICATION OF TENURE CHARGES – INEFFICIENCY (M)

The only evaluations which may be used for purposes of N.J.S.A. 18A:6-17.3 are those evaluations conducted in accordance with a rubric adopted by the Board of Education and approved by the Commissioner of Education pursuant to P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.

N.J.S.A. 18A:6-11; 18A:6-17.3

Adopted:

Adopted:



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CERTIFICATION OF TENURE CHARGES

## **3144 CERTIFICATION OF TENURE CHARGES**

Tenure charges may be instituted against a tenured staff member of the district in accordance with the provisions of N.J.A.C. 6A:3-5.1 et seq. In all instances of the filing and certification of tenure charges, except charges filed against a teacher, Principal, Assistant Principal, or Vice Principal for reasons of inefficiency pursuant to N.J.S.A. 18A:6-17.3, the procedures and timelines outlined in N.J.A.C. 6A:3-5.1(b) shall be observed. In the event the tenure charges are charges of inefficiency pursuant to N.J.S.A. 18A:6-17.3, except in the case of Principals, Assistant Principals, and Vice Principals in school districts under full State intervention, where procedures are governed by the provisions of N.J.S.A. 18A:7A-45 and such rules as may be promulgated to implement it, the procedures and timelines outlined in N.J.A.C. 6A:3-5.1(c) shall be observed.

Filing and service of petition of appeal as outlined in N.J.A.C. 6A:3-1.3, shall not apply in a case of charges filed with the Commissioner of Education against an employee of a Board of Education or of a school district under full State intervention. In place of the usual petition, the Board of Education or the State District Superintendent shall file written charges and the required certificate of determination with the Commissioner together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.

In accordance with N.J.S.A. 34:13A-24, fines and suspensions imposed as minor discipline shall not constitute a reduction in compensation pursuant to the provisions of N.J.S.A. 18A:6-10 where the negotiated agreement between the Board of Education and the majority representative of the employees in the appropriate collective bargaining unit provides for such discipline. In these cases, tenure charges shall not be filed to impose minor discipline on a person serving under tenure.

The Board of Education or the State District Superintendent shall determine whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting. In the event the Board of Education or the State District Superintendent finds probable cause exists and that the



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## CERTIFICATION OF TENURE CHARGES

charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the Board or the State District Superintendent shall file, within fifteen days, written charges with the Commissioner. The charge(s) shall be stated with specificity as to the action or behavior underlying the charges or the nature of the alleged inefficiency and shall be accompanied by the required certificate of determination together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.

The certificate of determination that accompanies the written charges shall contain a certification by the Board Secretary or the State District Superintendent including that a determination was made of the charges and the evidence in support of the charges are sufficient, if true in fact, to warrant dismissal or a reduction in salary; of the date, place, and time of the meeting at which such determination was made and whether or not the employee was suspended and, if so, whether such suspension was with or without pay; that such determination was made by a majority vote of the whole number of members of the Board of Education or by the State District Superintendent in accordance with N.J.S.A. 18A:7A-39.

An individual against whom tenure charges are certified shall file a written response to the charges in accordance with the provisions of N.J.A.C. 6A:3-5.3 et seq. The Commissioner shall determine whether such charge(s) are sufficient, if true, to warrant dismissal or reduction in salary in accordance with the provisions of N.J.A.C. 6A:3-5.5. Any withdrawal, settlement, or mooted of tenure charges shall be in accordance with the provisions of N.J.A.C. 6A:3-5.6.

Certification of tenure charges for Charter School employees shall be governed by N.J.A.C. 6A:11-6.1 et seq.

N.J.S.A. 18A:6-8.3; 18A:6-10; 18A:6-11;

18A:6-13; 18A:6-14;

18A:6-16; 18A:25-6; 18A:25-7

N.J.A.C. 6A:3-5.1; 6A:3-5.2; 6A:3-5.3; 6A:3-5.5;

6A:3-5.6



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CERTIFICATION OF TENURE CHARGES

Adopted:





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TEACHING STAFF MEMBERS  
#3150 Page 1-1  
DISCIPLINE

## **3150 DISCIPLINE**

The Board of Education directs all teaching staff members to observe statutes of the State of New Jersey, rules of the State Board of Education, policies of this Board, and duly promulgated administrative rules and regulations governing staff conduct. Violations of those statutes, rules, policies and regulations will be subject to discipline.

The Superintendent shall deal with disciplinary matters on a case by case basis. Discipline measures will include verbal and written warnings as appropriate and will provide, wherever possible, for progressive penalties for repeated violations. Penalties may include suspension, withholding one or more increments, and dismissal.

In the event disciplinary action is contemplated, notice will be given to the teaching staff member in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based; the text of the statute, policy, or rule that the member is alleged to have violated; a date when the member may be heard and the administrator who will hear the matter; and the penalty that may be imposed.

N.J.S.A. 18A:25-7; 18A:27-4  
N.J.S.A. 34:13A-1 et seq.; 34:19-1

Adopted:



# POLICY

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#3233Page 1-1  
POLITICAL ACTIVITIES

## **3233 POLITICAL ACTIVITIES**

The Board of Education recognizes and encourages the right of all citizens, including teaching staff members, to engage in political activity. However, the Board prohibits the use of school grounds and school time for partisan political purposes.

The Board establishes the following guidelines to govern teaching staff members in their political activities:

1. A teaching staff member shall not engage in political activity on school grounds unless permitted in accordance with Board Policy No. 7510 - Use of School Facilities and/or applicable Federal and State laws;
2. A teaching staff member shall not post political circulars or petitions on school grounds nor distribute such circulars or petitions to students nor solicit campaign funds or campaign workers on school grounds;
3. A teaching staff member shall not display any material that would tend to promote any candidate for office on an election day on school grounds that are used as a polling place;
4. A teaching staff member shall not engage in any activity in the presence of students while on school grounds which is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

In accordance with N.J.S.A. 18A:6-8.1., a teaching staff member employed by this district who is a member of the Senate or General Assembly of the State of New Jersey shall be entitled to time off from school district duties, without loss of pay, during the periods of the teaching staff member's attendance at regular or special sessions of the legislature and hearings or meetings of any legislative committee or commission.

In accordance with N.J.S.A. 18A:6-8.2., a teaching staff member employed by this district who is a member of the Board of County Commissioners of any county of New Jersey shall be entitled to time off from the teaching staff member's duties, without pay, during the periods of the teaching staff member's



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POLITICAL ACTIVITIES

attendance at regular or special meetings of the Board of County Commissioners and of any committee thereof and at such other times as the teaching staff member shall be engaged in performing the necessary functions and duties of the teaching staff member's office as a member of the Board of County Commissioners.

No other teaching staff member who holds elective or appointive office is entitled to time off, except as such time off may be provided for by Board policy or negotiated agreement.

The provisions of this Policy do not apply to the discussion and study of politics and political issues appropriate to the curriculum, the conduct of student elections, or the conduct of employee representative elections.

Nothing in this Policy shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a teaching staff member or a student.

N.J.S.A. 18A:6-8.1.; 18A:6-8.2.; 18A:6-8.4.; 18A:42-4

N.J.S.A. 19:34-42

Green Township v. Rowe, Superior Court of New Jersey - Appellate Division  
A-2528-98T5

Adopted:



# POLICY

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Nutley Public Schools  
TEACHING SUPPORT STAFF

#3245 Page 1-1

## RESEARCH PROJECTS BY STAFF MEMBERS

### **3245 RESEARCH PROJECTS BY STAFF MEMBERS**

The Board of Education encourages the participation of teaching staff members in research projects that are soundly designed and professionally conducted.

Teaching staff members may seek funding from local, state, and federal sources, public and private, for locally conducted research projects. Any research project involving students must be approved by the Board; all other research projects involving district personnel, facilities, and/or resources may be approved by the Superintendent.

An application for approval of a proposed research project must set forth the purpose of the project; a detailed description of the project; the degree to which, if any, the project will interrupt or displace the regular instructional program; a projection of the number of students, if any, and staff members who will be involved, the period of time that will be devoted to the project, and the project costs; the source of funding; any background information necessary to an understanding of the project; the means by which the project will be evaluated; and an assessment of the contribution the project will make to the educational program of this district.

A written report must be made to the Superintendent when a research project is terminated, either completed or incomplete. The written report will be placed in the personnel file of the staff member. The Superintendent may also require progress reports during the course of any research project and may notify appropriate administrators of the conduct of any research project.

Cross reference: Policy Guide No. 9550

Adopted:



# POLICY

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Nutley Public Schools  
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#3250 Page 1-1  
HOURS AND DAYS OF WORK

## **3250 HOURS AND DAYS OF WORK**

The Board of Education shall establish the days and hours of work for teaching staff members for whom working days and hours have not been negotiated in collective bargaining. In no case will full-time employment in this district be less than the school day established by this Board for the instruction of students.

"Full-time employment" is employment regularly scheduled, in accordance with the school calendar, for full school days and full school weeks.

A "full school day" in the high school is the period from 7:55 a.m. to 2:53p.m.

A "full school day" in the middle school is the period from 8:06 a.m. to 2:55 p.m.

A "full school day" in the elementary is the period from 8:20 a.m. to 3:30 p.m.

A "full school week" is five days, Monday through Friday.

The hours and days of work for part-time employment shall, to the extent possible, be stipulated in the creation of each part-time teaching staff member position. Where the nature of a part-time employment position is such that hours and days of work are irregular and unpredictable, the Board will stipulate the maximum number of hours and days that may be worked in the position.

A teaching staff member shall not be required to perform employment services on a legal holiday, and no member's salary will be diminished because he/she did not perform employment services on a legal holiday.

N.J.S.A. 18A:25-3

Cross reference: Policy Guide No. 8220

Adopted:



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS

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ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS  
AND STUDENTS (M)

## 3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

The Board of Education recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and teaching staff members communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between teaching staff members and students. However, the Board of Education recognizes teaching staff members can be vulnerable in electronic communications with students.

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to teaching staff members to prevent improper electronic communications between teaching staff members and students.

The Commissioner of Education and arbitrators, appointed by the Commissioner, have determined inappropriate conduct may determine a teaching staff member unfit to discharge the duties and functions of their position. Improper electronic communications by teaching staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a teaching staff member's responsibilities regarding co-curricular, athletic coaching, and any other instructional or non-instructional responsibilities assigned to the teaching staff member by the administration or Board of Education.



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Nutley Public Schools  
TEACHING STAFF MEMBERS

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## ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

For the purposes of this Policy, “improper electronic communications” means an electronic communication between a teaching staff member and any student of the school district when:

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a teaching staff member and a student as defined in this Policy.

Inappropriate content of an electronic communication between a teaching staff member and a student includes, but is not limited to:

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the teaching staff member’s or student’s past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the teaching staff member’s professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and
8. Communications between the teaching staff member and a student that the Commissioner of Education or an arbitrator would determine to be inappropriate in determining the teaching staff member is unfit to discharge the duties and functions of their position.



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS

#3283Page 3-1

## ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

The following acceptable protocols for all electronic communications between a teaching staff member and a student shall be followed:

### 1. E-Mail Electronic Communications Between a Teaching Staff Member and a Student

a. All e-mails between a teaching staff member and a student must be sent or received through the school district's e-mail system. The content of all e-mails between a teaching staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.

b. A teaching staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a teaching staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the teaching staff member and the student.

c. A teaching staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a teaching staff member shall have no expectation of privacy on the school district's e-mail system.

### 2. Cellular Telephone Electronic Communications Between a Teaching Staff Member and a Student

a. Communications between a teaching staff member and a student via a personal cellular telephone shall be prohibited.

(1) However, a teaching staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the teaching staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.

### 3. Text Messaging Electronic Communications Between Teaching Staff Members and Students

a. Text messaging communications between a teaching staff member and an individual student are prohibited.





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Nutley Public Schools  
TEACHING STAFF MEMBERS

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## ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

(1) However, a teaching staff member may, with prior approval of the Principal or designee, text message students provided the need to text message is directly related to the teaching staff member's professional responsibilities with a class or co-curricular activity. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the class or activity approved by the Principal or designee.

### 4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Teaching Staff Members and a Student

a. A teaching staff member is prohibited from communicating with any student through the teaching staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a teaching staff member and a student.

b. A teaching staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a teaching staff member's personal social networking website or other Internet-based social media website shall not be responded to by the teaching staff member and shall be reported to the Principal or designee by the teaching staff member.

c. If a teaching staff member has a student(s) as a "friend" on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.

d. Communication between a teaching staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

### Reporting Responsibilities

In the event a student sends an improper electronic communication, as defined in this Policy, to a teaching staff member, the teaching staff member shall report the improper communication to the Principal or designee by the next school day. The Principal or



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Nutley Public Schools  
TEACHING STAFF MEMBERS

#3283Page 5-1

## ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS (M)

designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a teaching staff member or a student may result in appropriate disciplinary action.

N.J.S.A. 18A:36-40

Adopted:



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Nutley Public Schools  
TEACHING STAFF MEMBERS  
#3310 Page 1-1  
ACADEMIC FREEDOM

## **3310 ACADEMIC FREEDOM**

The curriculum adopted by the Board of Education is designed to address the educational goals established for this school district and to meet the needs of students. The course guides prepared for each course of study describe the material to be covered in each course and, in general, the approach to be employed by the teaching staff member responsible for the course.

The Board recognizes that some deviation from the course guide is necessary to the free exchange of ideas within the classroom. Exposure to a wide range of ideas encourages the spirit of inquiry that is essential to the learning process; the thorough examination of those ideas aids students in developing powers of reasoning and in acquiring habits of academic discipline.

The Board directs that the discussion of any issue not specifically covered by the course guide be conducted in an unprejudiced and dispassionate manner. The Board will not condone classroom discussion that is unrelated to the educational goals of this district or to the subject of the course of study, disrupts the educational process, does not match the maturity level of the students, neglects to inform students of various responsible points of view on the subject under discussion, or fails to take into account the sensibilities of the community.

Cross reference: Policy Guide No. 2240

Adopted:



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Nutley Public Schools  
TEACHING STAFF MEMBERS  
#3370 Page 1-1  
TEACHING STAFF MEMBER TENURE

## **3370 TEACHING STAFF MEMBER TENURE**

The Board of Education recognizes that the benefit of tenure is conferred by law on teaching staff members who have completed the requisite period of probationary service in this school district. The Board also recognizes that certain service does not qualify the teaching staff member who performs that service for the grant of tenure.

Tenure in any administrative or supervisory position as listed in N.J.S.A. 18A:28-5 shall accrue only by employment in that administrative or supervisory position. Tenure so accrued will not extend to any other administrative or supervisory position and nothing shall limit or restrict tenure rights which were or may be acquired pursuant to N.J.S.A. 18A:28-6.

The Board specifically directs that service in the following positions will not accrue toward the tenure status and will be performed only under contract renewable at the discretion of the Board:

1. Substitute teacher acting in the absence of another employee;
2. Summer school teacher;
3. Co-curricular advisor;
4. Athletic coach; and
5. Department chairperson other than a supervisor.

Nothing in this policy will be deemed to confer tenure on any employee who serves in a position not listed above and for whom tenure is not provided by law.

N.J.S.A. 18A:16-1.1; 18A:28-3 et seq.; 18A:28-5 et seq.

Adopted:



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS  
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TEACHING STAFF MEMBER TENURE



# POLICY

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TEACHING STAFF MEMBERS

#3372 Page 1-1

## TEACHING STAFF MEMBERS TENURE ACQUISITION

### **3372 TEACHING STAFF MEMBER TENURE ACQUISITION**

In accordance with the provisions of N.J.S.A. 18A:28-5.a, teaching staff members employed prior to August 6, 2012 (the effective date of P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.) in the positions of teacher, Principal, other than Administrative Principal, Assistant Principal, Vice Principal, Assistant Superintendent, and all school nurses including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services, school athletic trainer and such other employees as are in positions which require them to hold appropriate certificates issued by the Board of Examiners, serving in any school district or under any Board of Education, except those who are not the holders of proper certificates in full force and effect and School Business Administrators shared by two or more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by Sub article B of Article 2 of Chapter 6 of N.J.S.A. 18A, after employment in the district or by the Board of Education for:

1. Three consecutive calendar years, or any shorter period which may be fixed by the employing Board for such purpose; or
2. Three consecutive academic years, together with employment at the beginning of the next succeeding academic year; or
3. The equivalent of more than three academic years within a period of any four consecutive academic years.

In accordance with the provisions of N.J.S.A. 18A:28-5.b, teaching staff members employed on or after August 6, 2012 (the effective date of P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.) in the position of teacher, Principal, other than Administrative Principal, Assistant Principal, Vice Principal, Assistant Superintendent, and all school nurses, including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services, school athletic trainer and such other employees as are in positions which require them to hold appropriate certificates issued by the Board of Examiners, serving in any school district or under any Board of Education, excepting those who are not the holders of proper certificates in full force and effect, and School Business Administrators shared by two or



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Nutley Public Schools  
TEACHING STAFF MEMBERS

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## TEACHING STAFF MEMBERS TENURE ACQUISITION

more school districts, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by Sub article B of Article 2 of Chapter 6 of N.J.S.A. 18A, after employment in the district or by the Board of Education for:

1. Four consecutive calendar years; or
2. Four consecutive academic years, together with employment at the beginning of the next succeeding academic year; or
3. The equivalent of more than four academic years within a period of any five consecutive academic years.

In order to achieve tenure pursuant to N.J.S.A. 18A:28-5.b, a teacher shall also complete a district mentorship program during the initial year of employment and receive a rating of effective or highly effective in two annual summative evaluations within the first three years of employment after the initial year of employment in which the teacher completes the district mentorship program.

In order to achieve tenure pursuant to N.J.S.A. 18A:28-5.b, a Principal, Assistant Principal, and Vice Principal shall also receive a rating of effective or highly effective in two annual summative evaluations within the first three years of employment with the first effective rating being received on or after the completion of the second year of employment.

"Effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the Board of Education and approved by the Commissioner of Education.



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Nutley Public Schools  
TEACHING STAFF MEMBERS

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## TEACHING STAFF MEMBERS TENURE ACQUISITION

Tenure in any of the administrative or supervisory positions enumerated in N.J.S.A. 18A:28-5 et seq. shall accrue only by employment in that administrative or supervisory position. Tenure so accrued shall not extend to any other administrative or supervisory position and nothing in N.J.S.A. 18A:28-5 shall limit or restrict tenure rights which were or may be acquired, pursuant to N.J.S.A. 18A:28-6 – Tenure Upon Transfer or Promotion, in a position in which the individual actually served.

N.J.S.A. 18A:28-5

Adopted:





# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS

#3373 Page 1-1

## TENURE UPON TRANSFER OR PROMOTION

### **3373 TENURE UPON TRANSFER OR PROMOTION**

In accordance with the provisions of N.J.S.A. 18A:28-6.a, any such teaching staff member under tenure or eligible to obtain tenure under N.J.S.A. 18A:28-1 et seq. who is transferred or promoted with his/her consent to another position covered by N.J.S.A. 18A:28-1 et seq. on or after July 1, 1962, shall not obtain tenure in the new position until after:

1. The expiration of a period of employment of two consecutive calendar years in the new position unless a shorter period is fixed by the employing Board of Education for such purpose; or
2. Employment for two academic years in the new position together with employment in the new position at the beginning of the next succeeding academic year; or
3. Employment in the new position within a period of any three consecutive academic years, for the equivalent of more than two academic years;

provided that the period of employment in such new position shall be included in determining the tenure and seniority rights in the former position held by such teaching staff member, and in the event the employment in such new position is terminated before tenure is obtained therein, if he/she then has tenure in the district or under the Board of Education, such teaching staff member shall be returned to his/her former position at the salary which he/she would have received had the transfer or promotion not occurred together with any increase to which he/she would have been entitled during the period of such transfer or promotion.

In accordance with the provisions of N.J.S.A. 18A:28-6.b, any such teaching staff member under tenure or eligible to obtain tenure under N.J.S.A. 18A:28-1 et seq., who is transferred or promoted with his/her consent to another position covered by N.J.S.A. 18A:28-1 et seq. on or after August 6, 2012 (the effective date of P.L.2012, c.26 – N.J.S.A. 18A:6-117 et seq.), shall not obtain tenure in the new position until after:

1. The expiration of a period of employment of two consecutive calendar years in the new position; or



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Nutley Public Schools  
TEACHING STAFF MEMBERS

#3373 Page 2-1

## TENURE UPON TRANSFER OR PROMOTION

2. Employment for two academic years in the new position together with employment in the new position at the beginning of the next succeeding academic year; or
3. Employment in the new position within a period of any three consecutive academic years, for the equivalent of more than two academic years;

provided that the period of employment in such new position shall be included in determining the tenure and seniority rights in the former position held by such teaching staff member, and in the event the employment in such new position is terminated before tenure is obtained therein, if he/she then has tenure in the district or under the Board of Education, such teaching staff member shall be returned to his/her former position at the salary which he/she would have received had the transfer or promotion not occurred together with any increase to which he/she would have been entitled during the period of such transfer or promotion. In order to receive tenure pursuant to N.J.S.A. 18A:28-6.b, a teacher, Principal, Assistant Principal, and Vice Principal shall be evaluated as effective or highly effective in two annual summative evaluations within the first three years of employment in the new position. For purposes of N.J.S.A. 18A:28-6.b, "effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the Board of Education and approved by the New Jersey Commissioner of Education.

N.J.S.A. 18A:28-6

Adopted:



# POLICY

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Nutley Public Schools  
TEACHING STAFF MEMBERS

#3374 Page 1-1

## TENURE UPON TRANSFER TO AN UNDERPERFORMING SCHOOL

### **3374 TENURE UPON TRANSFER TO AN UNDERPERFORMING SCHOOL**

The Board of Education may grant tenure to a teaching staff member coming from another New Jersey public school district to the same position in an underperforming school in this school district in accordance with the provisions of N.J.S.A. 18A:28-5.1. As used in this Policy, "underperforming school" means a school in this school district which has been identified by the New Jersey Department of Education as a "focus school" or a "priority school" for any year within a two-year period.

In accordance with the provisions of N.J.S.A. 18A:28-5.1, a tenured teaching staff member who has been rated effective or highly effective on his/her most recent annual summative evaluation in a New Jersey public school district, and who accepts employment in the same position in an underperforming school in another New Jersey public school district, shall be under tenure in that position in the new school district during good behavior and efficiency and shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by Subarticle B of Article 2 of Chapter 6 of N.J.S.A. 18A, after the employee receives a rating of effective or highly effective in at least one of the annual summative evaluations within the first two years of employment in the underperforming school in the new school district.

For purposes of this Policy, "effective" or "highly effective" means the employee has received an annual summative evaluation rating of "effective" or "highly effective" based on the performance standards for his/her position established through the evaluation rubric adopted by the Board of Education and approved by the New Jersey Commissioner of Education.

N.J.S.A. 18A:28-5.1

Adopted:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF

#4159 Page 1-1

## SUPPORT STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES

### **4159 SUPPORT STAFF MEMBER/SCHOOL DISTRICT REPORTING RESPONSIBILITIES**

All support staff members shall be required to report their arrest or indictment for any crime or offense to the Superintendent of Schools within fourteen calendar days of the arrest or indictment. For purposes of this policy, “support staff members” shall include all school district employees who hold a position in the school district for which no certificate issued by the New Jersey State Board of Examiners is required.

The report submitted to the Superintendent shall include the date of arrest or indictment and charge(s) lodged against the support staff member. Such support staff members shall also report to the Superintendent the disposition of any charges within seven calendar days of the disposition. Failure to comply with these reporting requirements may be deemed “just cause” for disciplinary action, which may include termination or non-renewal of employment in accordance with law.

Teaching staff members are required to report their arrest or indictment for any crime or offense in accordance with Policy 3159 and N.J.A.C. 6A:9B-4.3.

The school district shall make these reporting requirements known to all new support staff members upon initial employment and to all employees on an annual basis.

Adopted:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
#4212 Page 1-1  
ATTENDANCE

## **4212 ATTENDANCE**

The regular and prompt attendance of support staff members is an essential element in the efficient operation of the school district and the effective conduct of the educational program. Staff member absenteeism disrupts the educational program and the Board of Education considers attendance an important component of a staff member's job performance.

A support staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with Board policy, falsifies the reason for an absence, is absent without authorization, is repeatedly tardy, or accumulates an excessive number of absences may be subject to appropriate consequences, which may include the withholding of a salary increment, dismissal, and/or certification of tenure charges.

In accordance with N.J.S.A. 18A:30-1, sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the support staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household. No support staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for in the collective bargaining agreement negotiated with the member's majority representative, in an individual employment contract, or provided in the policies of the Board. In accordance with N.J.S.A. 18A:30-4, the Superintendent or Board of Education may require a physician's certificate to be filed with the Secretary of the Board in order to obtain sick leave.

The Superintendent, in consultation with administrative staff members, will review the rate of absence among the staff members. The review will include the collection and analysis of attendance data, the training of support staff members in their attendance responsibilities, and the counseling of support staff members for whom regular and prompt attendance is a problem.

N.J.S.A. 18A:30-1 et seq.

Adopted:



# POLICY

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Nutley Public Schools  
SUPPORT STAFF  
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ATTENDANCE



# POLICY

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Nutley Public Schools  
SUPPORT STAFF

#4283 Page 1-1

## ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

### **4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)**

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to support staff members to prevent improper electronic communications between support staff members and students. The Board of Education recognizes support staff members can be vulnerable in electronic communications with students.

The Board prohibits all electronic communications between a support staff member and a student. However, based on a support staff member's professional responsibilities electronic communications between a support staff member and a student may be permitted with written approval of the Superintendent or designee. The approval is only for the school year in which the approval is granted. If the Superintendent or designee approves electronic communications between a support staff member and a student, the support staff member shall be required to comply with all the provisions of this Policy.

The Commissioner of Education has determined inappropriate conduct may determine a school staff member unfit to discharge the duties and functions of their position. Improper electronic communications by school staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a support staff member's responsibilities assigned to the support staff member by the administration or Board of Education.



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Nutley Public Schools  
SUPPORT STAFF

#4283 Page 2-1

## ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

For the purposes of this Policy, “improper electronic communications” means an electronic communication between a support staff member and any student of the school district when:

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a support staff member and a student as defined in this Policy.

Inappropriate content of an electronic communication between a support staff member, who has been approved by the Superintendent or designee to have electronic communications, and a student includes, but is not limited to:

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the support staff member’s or student’s past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the support staff member’s professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and





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Nutley Public Schools  
SUPPORT STAFF

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## ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

8. Communications between the support staff member and a student that the Commissioner of Education would determine to be inappropriate in determining the support staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a support staff member, who has been approved by the Superintendent or designee to have electronic communications, and a student shall be followed:

### 1. E-Mail Electronic Communications Between a Support Staff Member and a Student

a. All e-mails between a support staff member and a student must be sent or received through the school district's e-mail system. The content of all e-mails between a support staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.

b. A support staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a support staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the support staff member and the student.

c. A support staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a support staff member shall have no expectation of privacy on the school district's e-mail system.

### 2. Cellular Telephone Electronic Communications Between a Support Staff Member and a Student

a. Communications between a support staff member and a student via a personal cellular telephone shall be prohibited.



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Nutley Public Schools  
SUPPORT STAFF

#4283 Page 4-1

## ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

(1) However, a support staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the support staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.

### 3. Text Messaging Electronic Communications Between Support Staff Members and Students

a. Text messaging communications between a support staff member and an individual student are prohibited.

(1) However, a support staff member may, with prior approval of the Principal or designee, text message students provided the need to text message is directly related to the support staff member's professional responsibilities regarding the student. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the activity approved by the Principal or designee.

### 4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Support Staff Members and a Student

a. A support staff member is prohibited from communicating with any student through the support staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a support staff member and a student.

b. A support staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a support staff member's personal social networking website or other Internet-based social media website shall not be responded to by the support staff member and shall be reported to the Principal or designee by the support staff member.



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SUPPORT STAFF

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## ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS (M)

c. If a support staff member has a student(s) as a “friend” on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.

d. Communication between a support staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

### Reporting Responsibilities

1. In the event a student sends an electronic communication to a support staff member who has not been approved by the Superintendent or designee to have electronic communications, the support staff member shall report the communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such electronic communications. Electronic communications by a support staff member or a student where such communications are not approved by the Superintendent or designee may result in appropriate disciplinary action.

2. In the event a student sends an improper electronic communication, as defined in this Policy, to a support staff member who has been approved by the Superintendent or designee to receive electronic communications, the support staff member shall report the improper electronic communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a support staff member or a student may result in appropriate disciplinary action.



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A support staff member and student may be exempt from the provisions outlined in this Policy if a support staff member and student are relatives. The support staff member and the student's parent shall submit notification to the Principal of the student's school of their family relationship and their exemption from the provisions outlined in this Policy.]

The provisions of this Policy shall be applicable at all times while the support staff member is employed in the school district and at all times the student is enrolled in the school district, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

N.J.S.A. 18A:36-40

Adopted:



# POLICY

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Nutley Public Schools  
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ASSIGNMENT OF STUDENTS (M)

## **5120 ASSIGNMENT OF STUDENTS (M)**

The Board of Education directs the assignment of students to the schools, programs, and classes of this district consistent with the best interests of students and the best uses of the resources of this district.

Students shall generally attend the school located in the attendance area of their residence. The Superintendent may assign a student to a school other than that designated by the attendance area when such an exception is justified by circumstances and/or is in the best interest of the student. Every effort will be made to continue a student in the same elementary school once the student has been enrolled in that elementary school.

The Superintendent shall assign incoming transfer students to the school in their attendance area of their residence provided the district's school or class size requirements can accommodate the student's enrollment. The Building Principal may assign students in his/her school to grades, classes, and groups on the basis of the needs of the student as well as the sound administration of the school.

In accordance with the provisions of N.J.S.A. 18A:36-38.a.(1), a parent of twins or higher order multiples enrolled in the same Kindergarten through eighth grade level at the same public school may request, in writing, the children be placed in the same classroom or in separate classrooms. The Principal shall make the classroom placement requested in accordance with the provisions of N.J.S.A. 18A:36-38.a.(1).

In accordance with the provisions of N.J.S.A. 18A:36-38a.(2), a parent of twins or higher order multiples enrolled in the same ninth through twelfth grade level at the same public school may request, in writing, the children be placed in the same classroom or in separate classrooms. The placement of such children shall be made at the discretion of the Principal in the best interest of the school and its students. The parent may appeal the Principal's classroom placement decision to the Board of Education, which shall make a final determination on the placement.

The written request must be submitted to the Principal no later than fourteen days after the first day of each school year. Parents of twins or higher order multiples enrolling after the school year commences shall request the classroom placement in writing no later than fourteen days after the first day of attendance.



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## ASSIGNMENT OF STUDENTS (M)

In accordance with the provisions of N.J.S.A. 18A:36-38.(2)(b), a Principal may, after consultation with the students' parent and teachers at the end of the initial grading period, request the Board make a different classroom placement determination for the twins or higher order multiples if the initial classroom placement is determined to be disruptive to any of the students in the class or classes, or if the Principal concludes the initial placement does not sufficiently support the students' academic or social development. Upon receiving such request, the Board shall make a final classroom placement determination.

"Higher order multiples" means triplets, quadruplets, quintuplets, or larger group siblings born at one birth. Provisions of N.J.S.A. 18A:36-38 do not apply to a school district which maintains only a single classroom for the grade level in which twins or higher order multiples are enrolled. The parent shall be responsible for any additional student transportation costs that are incurred by the district as a result of providing the requested classroom placement, unless the district is in agreement with the placement. In the event one of the twins or higher order multiples receives special education services, the requested placement shall not be accommodated if the placement is inconsistent with a student's Individualized Education Plan.

N.J.S.A. 18A:36-38

Adopted:



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#5460 Page 1-1  
HIGH SCHOOL GRADUATION

## **5460 HIGH SCHOOL GRADUATION**

The Board of Education will recognize the successful completion of the secondary school instructional program by the award of a State-endorsed diploma certifying the student has met all State and local requirements for high school graduation in accordance with N.J.A.C. 6A:8-5.1 et seq. The Board will annually certify to the Executive County Superintendent each student who has been awarded a diploma and has met the requirements for graduation.

As defined in N.J.A.C. 6A:8-1.3, “credit” means the award for the equivalent of a class period of instruction, which meets for a minimum of forty minutes, one time per week during the school year or as approved through N.J.A.C. 6A:8-5.1(a)2 and A.1.b. below.

A. High School Graduation Requirements – N.J.A.C. 6A:8-5.1

1. For a State-endorsed diploma, the Board shall develop, adopt, and implement graduation requirements that prepare students for success in post-secondary degree programs, careers, and civic life in the 21<sup>st</sup> century, and that include the following:

a. A graduating student must have earned a minimum of 130 credits in courses designed to meet all of the New Jersey Student Learning Standards (NJSLS), including, but not limited to, the following credits:

(1) **(At least twenty)** credits in English language arts aligned to grade nine through twelve standards;

(2) **(At least fifteen)** credits in mathematics, including Algebra I or the content equivalent; geometry or the content equivalent; and a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and 21<sup>st</sup> century careers;

(3) **(At least fifteen)** credits in science, including at least five credits in laboratory biology/life science or the content equivalent; one additional laboratory/inquiry-based science course, which shall include chemistry, environmental science, or physics; and one additional laboratory/inquiry-based science course;

(4) **(At least fifteen)** credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 18A:35-2; five credits in world history; and the integration of civics, economics, geography, and global content in all course offerings;



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## HIGH SCHOOL GRADUATION

- (5) **(At least two and one-half)** credits in financial, economic, business, and entrepreneurial literacy;
  
- (6) **(At least five )** credits in health, safety, and physical education during each year of enrollment, distributed as one hundred fifty minutes per week, as required by N.J.S.A. 18A:35-5, 7, and 8;
  
- (7) **(At least five)** credits in visual and performing arts;
  
- (8) **(At least five)** credits in world languages or student demonstration of proficiency as set forth in N.J.A.C. 6A:8-5.1(a)2ii(2) and A.1.b.(2)(b) below;
  
- (9) Technological literacy, consistent with the NJSLs, integrated throughout the curriculum;
  
- (10) **(At least five)** credits in 21<sup>st</sup> century life and careers, or career-technical education; and
  
- (11) Electives as determined by the high school program sufficient to total a minimum of 130
  
- b. The 120-credit requirement set forth in N.J.A.C. 6A:8-5.1(a)1. and in A.1.a. above may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of individualized learning opportunities, as follows:

(1) The district shall establish a process to approve individualized student learning opportunities that meet or exceed the NJSLs.

(a) Individualized student learning opportunities in all NJSLs areas include, but are not limited to, the following:





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HIGH SCHOOL GRADUATION

- (i) Independent study;
  - (ii) Online learning;
  - (iii) Study abroad programs;
  - (iv) Student exchange programs; and
  - (v) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.
- (b) Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall:
- (i) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans;
  - (ii) Include demonstration of student competency;
  - (iii) Be certified for completion based on the district process adopted according to N.J.A.C. 6A:8-5.1(a)2.ii. and A.1.b.(2) below; and
  - (iv) Be on file in the school district and subject to review by the Commissioner of Education or designee.
  - (c) Group programs based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall be permitted and shall be approved in the same manner as other approved courses.



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(2) The district shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the NJSLs at the high school level, including standards achieved by means of the individualized student learning opportunities enumerated at N.J.A.C. 6A:8-5.1(a)2 and

A.1.b. above. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through twelve.

(a) The district shall choose assessments that are aligned with or exceed the NJSLs and may include locally designed assessments.

(b) The district shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as

defined by the American Council on the Teaching of Foreign Languages (ACTFL) and recognized as fulfilling the world languages requirement of the NJSLs:

(i) The Standards-based Measurement of Proficiency (STAMP) online assessment;

(ii) The ACTFL Oral Proficiency Interview (OPI) or the Modified Oral Proficiency Interview (MOPI); or

(iii) New Jersey Department of Education-approved locally designed competency-based assessments.

(3) The district shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, College-Level Examination Program (CLEP), or concurrent/dual enrollment at accredited higher education institutions.

(a) The district shall award credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the NJSLs.

c. Local student attendance requirements;



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## HIGH SCHOOL GRADUATION

- d. Other requirements established by the Board of Education as indicated below:

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- e. Any statutorily mandated requirements for earning a high school diploma;

- f. The requirement that all students demonstrate proficiency by achieving a passing score on the English Language Arts (ELA) and mathematics components of the State graduation proficiency test or through the alternative means at N.J.A.C. 6A:8-5.1(h) and A.7. below, if applicable, or for students who take the State graduation proficiency test but do not achieve a passing score through the alternative means set forth at N.J.A.C. 6A:8-5.1(g) and (i) and A.6. and A.8. below:

- (1) Students in the graduating classes of 2019, 2020, 2021, and 2022 shall be required to demonstrate proficiency by achieving a passing score on the high school end-of-course PARCC assessments in ELA 10 and Algebra I or through alternative means set forth at N.J.A.C. 6A:8-5.1(f), (h), and (i) and A.5., A.7., and A.8. below.

- g. For students who have not demonstrated proficiency on the ELA and/or mathematics components of the State graduation proficiency test, the opportunity for the following will be provided:

- (1) Remediation, pursuant to N.J.S.A. 18A:7C-3.; and

- (2) One or more additional opportunities to demonstrate proficiency on the State graduation proficiency test, pursuant to N.J.S.A. 18A:7C-6; and



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## HIGH SCHOOL GRADUATION

h. Students graduating from an adult high school shall demonstrate proficiency in the ELA and mathematics components of the State graduation proficiency test, or through alternative means set forth at N.J.A.C. 6A:8-5.1(f) through (i) and A.5. through A.8. below.

2. In the development of a transcript according to N.J.A.C. 6A:8-3.2(a), the district shall actively encourage all students who have otherwise met the requirements for high school graduation according to N.J.A.C. 6A:8-5.1(a)1 through 3 and A.1.a. through A.1.c. above, to include in their programs of study the following additional credits:

a. Five credits in mathematics during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21<sup>st</sup> century careers;

b. Five credits in a laboratory science during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21<sup>st</sup> century careers;

c. Five credits in social studies during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21<sup>st</sup> century careers; and

d. Five credits in world languages during each year of enrollment, aimed at preparation for entrance into post-secondary programs or 21<sup>st</sup> century careers.

3. The district shall provide to the Executive County Superintendent the district's graduation requirements each year they are evaluated through Quality Single Accountability Continuum (QSAC) and update the district's filed copy each time the graduation policy is revised.

4. The district shall provide each student entering high school and their parents with a copy of the district's requirements for a State-endorsed diploma and the programs available to assist students in attaining a State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5.

5. To ensure adequate transition to the new Statewide assessment systems, the district shall provide students in the graduating classes of 2022 who have not demonstrated proficiency on the high school end-of-course PARCC assessments in ELA 10 and Algebra I with the opportunity to demonstrate competence through one of the alternative means set forth below:



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a. For the graduating classes of 2018, 2019, 2020, 2021, and 2022, students who did not take the ELA 10 and the Algebra I end-of-course PARCC assessment or who take but do not achieve a passing score on both assessments, as required by N.J.A.C. 6A:8-5.1(a)6 and A.1.f. above, may satisfy the State requirement to demonstrate proficiency in English language arts and/or mathematics in one of the following ways:

(1) Achieve a passing score, as determined by the Commissioner of Education, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or

(2) Meet the criteria of the portfolio appeals process.

6. For students in the graduating classes of 2023, 2024, and 2025, the alternative means referenced at N.J.A.C. 6A:8-5.1(a)6 and A.1.f. above shall be as follows:

a. Achieve a passing score, as determined by the Commissioner of Education and approved by the New Jersey State Board of Education, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable; and/or

b. Demonstrate proficiency through the portfolio appeals process, pursuant to N.J.S.A. 18A:7C-3.

7. All English language learners (ELLs) shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a New Jersey Department of Education-approved, English fluency assessment.

8. Students, including students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act who participate in the alternative assessment for students with disabilities, are not required to participate in repeated administrations of high school assessment components required at N.J.A.C. 6A:8-4.1(c).



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## HIGH SCHOOL GRADUATION

9. For students in the graduating classes of 2019, 2020, 2021, and 2022, the New Jersey Department of Education (NJDOE) shall consider high school end-of-course State assessments to be equivalent to the corresponding high school end-of-course PARCC assessments.

### B. High School Diplomas – N.J.A.C. 6A:8-5.2

1. The Board of Education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with N.J.A.C. 6A:8-5.1(a), (c), or N.J.A.C. 6A:8-5.2(d) and A.1 above, C.1. below, or B.4. below.

2. The Board shall not issue a high school diploma to any student not meeting the criteria specified in the rule provisions referenced in B.1. above.

a. The district shall provide students exiting grade twelve without a diploma the opportunity for continued high school enrollment to age twenty or until the requirements for a State-endorsed diploma have been met, whichever comes first.

b. The district shall allow any out-of-school individual to age twenty who has otherwise met all State and local graduation requirements but has failed to pass the State proficiency test to demonstrate proficiency through alternative means as set forth at N.J.A.C. 6A:8-5.1(a)6 through N.J.A.C. 6A:8-5.1(i) and in A.1.f. through A.8. above, as applicable, pursuant to the standards applicable to the student's graduating class. Students in graduating classes prior to 2018 shall demonstrate proficiency as set

forth for the classes of 2018 through 2022 at N.J.A.C. 6A:8-5.1(f)1 and A.5.a. above. Upon certification of passing the test applicable to the student's class in accordance with N.J.A.C. 6A:8 and this Policy, a State-endorsed diploma shall be granted by the high school of record.

3. Pursuant to N.J.A.C. 6A:20-1.4, the Commissioner of Education shall award a State-issued high school diploma based on achieving the Statewide standard score on the General Education Development test (GED) or other adult education assessments to individuals age sixteen or older who are no longer enrolled in school and have not achieved a high school credential.

4. The Commissioner of Education shall award a State-issued high school diploma to individuals age sixteen or older and no longer enrolled in high school based on official transcripts showing at least thirty general education



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## HIGH SCHOOL GRADUATION

credits leading to a degree at an accredited institution of higher education. Included in the thirty general education credits must be a minimum of fifteen credits with at least three credits in each of the five general education categories as follows: English; mathematics; science; social science; and the humanities.

5. The Board shall award a State-endorsed high school diploma to any currently enrolled student, regardless of grade level, who:

a. Has demonstrated proficiency in the State graduation proficiency test, pursuant to N.J.A.C. 6A:8-5.1(a)6 and A.1.f. above, or as set forth at N.J.A.C. 6A:8-5.1(g) and A.6. above:

(1) The Board shall award a State-endorsed high school diploma to any currently enrolled student in the graduating classes of 2019, 2020, 2021, and 2022 who has demonstrated proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or as set forth in N.J.A.C. 6A:8-5.1(f) and in A.5. above;

b. Has presented official transcripts showing at least thirty general education credits leading to a degree at an accredited institution of higher education; and

c. Has formally requested such early award of a State-endorsed high school diploma.

6. Pursuant to N.J.S.A. 18A:7C-7 and 18A:7E-3, the Superintendent shall report annually to the Board at a public meeting not later than September 30, and to the Commissioner of Education:

a. The total number of students graduated;

b. The number of students graduated under the substitute competency test process;

c. The number of students graduated under the portfolio appeals process;

d. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their individualized education programs (IEP);



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e. The total number of students denied graduation from the twelfth grade class; and

f. The number of students denied graduation from the twelfth grade class solely because of failure to pass the high school end-of-course PARCC assessments, the State graduation proficiency test, substitute competency tests, or portfolio appeals process based on the provisions of N.J.A.C. 6A:8.

C. Students with Disabilities – N.J.A.C. 6A:8-5.1(c) and N.J.A.C. 6A:14-4.11

1. Through the IEP process set forth at N.J.A.C. 6A:14-3.7 and pursuant to N.J.A.C. 6A:14-4.11, the Board may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined at N.J.A.C. 6A:14-1.3.

a. The district shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.

b. The district shall develop and implement procedures for assessing whether a student has met the specified alternate requirements for graduation individually determined in an IEP.

2. The IEP of a student with a disability who enters a high school program shall specifically address the graduation requirements. The student shall meet the high school graduation requirements pursuant to N.J.A.C. 6A:8-5.1 and A. above, except as specified in the student's IEP. The IEP shall specify which requirements would qualify the student with a disability for the State-endorsed diploma issued by the Board responsible for the student's education.

3. Graduation with a State-endorsed diploma is a change of placement that requires written notice pursuant to N.J.A.C. 6A:14-2.3(f) and (g).

a. As part of the written notice, the parent shall be provided with a copy of the procedural safeguards statement published by the NJDOE.





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b. As with any proposal to change the educational program or placement of a student with a disability, the parent may resolve a disagreement with the proposal to graduate the student by requesting mediation or a due process hearing prior to graduation.

c. In accordance with N.J.A.C. 6A:14-3.8(d), a reevaluation shall not be required.

d. When a student graduates or exceeds the age of eligibility, the student shall be provided a written summary of their academic achievement and functional performance prior to the date of the student's graduation or the conclusion of the school year in which the student exceeds the age of eligibility. The summary shall include recommendations to assist the student in meeting their postsecondary goals.

4. If a student attends a school other than that of the school district of residence that is empowered to grant a diploma, the student shall have the choice of receiving the diploma of the school attended or the diploma of the school district of residence.

a. If the school the student is attending declines to issue a diploma to the student, the Board of the school district of residence shall issue the student a diploma if the student has satisfied all State and local graduation requirements, as specified in the student's IEP.

5. If the Board grants an elementary school diploma, a student with a disability who fulfills the requirements of their IEP shall qualify for and receive a diploma.

6. Students with disabilities who meet the standards for graduation according to N.J.A.C. 6A:14-4.11 and C. of this Policy shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

## [Optional]

D. State Seal of Biliteracy – N.J.A.C. 6A:8-5.3



# POLICY

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## HIGH SCHOOL GRADUATION

1. The Board may award a State Seal of Biliteracy to any student who has met all requirements in N.J.A.C. 6A:8-5.2 and B. above and demonstrates proficiency in the following:

a. One or more world languages via an approved assessment pursuant to N.J.A.C. 6A:8-5.3(f) and D.6. below during the student's next to last or final year of high school; and

(1) Pursuant to N.J.S.A. 18A:7C-15, a foreign language other than English also shall include, but not be limited to, American Sign Language, Latin, and Native American languages.

b. English language arts as set forth in N.J.A.C. 6A:8-5.1(a)6 and A.1.f. above.

2. A Board that chooses to award the State Seal of Biliteracy shall incorporate the process into the developed, adopted, and implemented Policy 5460 – High School Graduation pursuant to N.J.A.C. 6A:8-5.1(a) and A.1. above, denoting participation in the voluntary program. A Board choosing to participate shall submit, in accordance with N.J.A.C. 6A:8-5.1(d) and A.3. above, a copy of Policy 5460 – High School Graduation that reflects the option for students to participate in the State Seal of Biliteracy.

3. The Board of Education [   shall pay the costs     shall charge a fee to the student  ] for related assessments and transcript insignias.

4. The Board of Education shall do the following:

a. Provide the NJDOE with information regarding students who qualify for the State Seal of Biliteracy pursuant to N.J.A.C. 6A:8-5.3(a) and D.1. above;

b. Present each student who qualifies pursuant to D.1. above with a New Jersey Department of Education-issued certificate;

c. Include the Commissioner of Education-developed insignia on the student's transcript; and



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- d. Maintain appropriate records to identify students who have earned the State Seal of Biliteracy.
5. The Board shall not award a State Seal of Biliteracy to any student who does not meet the criteria in N.J.A.C. 6A:8-5.3(a) and D.1. above and shall not include the Commissioner of Education-developed insignia on the student's transcript.
6. A list of New Jersey Department of Education-approved, nationally recognized assessments and the Statewide scores necessary for a student to satisfy requirements for the State Seal of Biliteracy shall be set by a resolution approved by the New Jersey State Board of Education.
- a. If an approved assessment, pursuant to N.J.A.C. 6A:8-5.3(f) and D.6. above, does not exist for a particular language, the Board may administer a NJDOE-approved, locally designed proficiency-based assessment.]

N.J.S.A. 18A:7C-3; 18A:7C-5; 18A:7C-6; 18A:7C-7; 18A:7C-15; 18A:7E-3

18A:35-1; 18A:35-2; 18A:35-5; 18A:35-7; 18A:35-8

N.J.A.C. 6A:8-1.3; 6A:8-5.1 et seq.; 6A:14-1.3; 6A:14-2.3; 6A:14-3.7

6A:14-3.8; 6A:14-4.11; 6A:20-1.4

Adopted:



# POLICY

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HARASSMENT, INTIMIDATION, AND BULLYING (M)

## **5512 HARASSMENT, INTIMIDATION, AND BULLYING (M)**

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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

- O. School and District Grading Requirements
- P. Reports to Law Enforcement
- Q. Collective Bargaining Agreements and Individual Contracts
- R. Students with Disabilities
- S. Approved Private Schools for Students with Disabilities (APSSD)
- A. Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. 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. Harassment, intimidation, or bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. 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.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

- B. Harassment, Intimidation, and Bullying Definition

"Harassment, intimidation, or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

1. Is reasonably perceived as being motivated by either 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 including the choice to wear or not wear a mask used for the purpose of preventing disease transmission;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. 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/her person or damage to his/her property; or
  - b. Has the effect of insulting or demeaning any student or group of students; or
  - c. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Schools are required to address harassment, intimidation, and bullying occurring off school grounds, when there is a nexus between the harassment, intimidation, and bullying and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).

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



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

### C. Student Expectations

The Board expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with 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.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents, school employees, school administrators, school volunteers, and community representatives, 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 school district and community property on the part of students, staff, and community members.

Students are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. 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.

The Board expects that students will act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, and bullying, including:

1. Student responsibilities (e.g., requirements for students to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Student rights; and
4. Sanctions and due process for violations of the Code of Student Conduct.



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, students, instructional staff, student support services staff, school administrators, and school volunteers, as well as community organizations, such as faith-based, health and human service, business and law enforcement, in the development of this Policy. Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2, the Board must develop guidelines for student conduct pursuant to N.J.A.C. 6A:16-7.1. These guidelines for student conduct will take into consideration the developmental ages of students, the severity of the offenses and students' histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the district. This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the Superintendent must annually provide to students and their parents the rules of the district regarding student conduct. Provisions shall be made for informing parents whose primary language is other than English.

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. Students are encouraged to support other students who:

1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Provide support to students who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, and bullying to the designated school staff member.

### D. Consequences and Appropriate Remedial Actions

#### Consequences and Appropriate Remedial Actions – Students





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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

The Board of Education 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. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.

Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance. The appropriate remedial action may also include a behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team as appropriate; and supportive interventions and referral services, including those at N.J.A.C. 6A:16-8.

### Factors for Determining Consequences – Student Considerations

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

### Factors for Determining Consequences – School Considerations

1. School culture, climate, and general staff management of the learning environment;
2. Social, emotional, and behavioral supports;
3. Student-staff relationships and staff behavior toward the student;
4. Family, community, and neighborhood situation; and
5. Alignment with Board policy and regulations/procedures.

### Factors for Determining Remedial Measures



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

### Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Interests;
6. Hobbies;
7. Extra-curricular activities;
8. Classroom participation;
9. Academic performance; and
10. Relationship to students and the school district.

### Environmental

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying are those that are varied and graded according to the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance consistent with the Board's approved Code of Student Conduct



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

and N.J.A.C. 6A:16-7, Student Conduct. The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.

Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

### Examples of Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension;
7. Out-of-school suspension (short-term or long-term);
8. Reports to law enforcement or other legal action; or
9. Expulsion.

### Examples of Remedial Measures

#### Personal – Student Exhibiting Bullying Behavior

1. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors;
2. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;
3. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;
4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
5. Meet with school counselor, school social worker, or school psychologist to decipher mental health issues (e.g., what is happening and why?);



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

6. Develop a learning plan that includes consequences and skill building;
7. Consider wrap-around support services or after-school programs or services;
8. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;
9. Arrange for an apology, preferably written;
10. Require a reflective essay to ensure the student understands the impact of his or her actions on others;
11. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;
12. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
13. Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and
14. Schedule a follow-up conference with the student.

### Personal – Target/Victim

1. Meet with a trusted staff member to explore the student's feelings about the incident;
2. Develop a plan to ensure the student's emotional and physical safety at school;
3. Have the student meet with the school counselor or school social worker to ensure he or she does not feel responsible for the bullying behavior;
4. Ask students to log behaviors in the future;
5. Help the student develop skills and strategies for resisting bullying; and
6. Schedule a follow-up conference with the student.

### Parents, Family, and Community

1. Develop a family agreement;
2. Refer the family for family counseling; and



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

3. Offer parent education workshops related to bullying and social-emotional learning.

### Examples of Remedial Measures – Environmental (Classroom, School Building, or School District)

1. Analysis of existing data to identify bullying issues and concerns;
2. Use of findings from school surveys (e.g., school climate surveys);
3. Focus groups;
4. Mailings – postal and email;
5. Cable access television;
6. School culture change;
7. School climate improvement;
8. Increased supervision in “hot spots” (e.g., locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);
9. Adoption of evidence-based systemic bullying prevention practices and programs;
10. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
11. Professional development plans for involved staff;
12. Participation of parents and other community members and organizations (e.g., Parent Teacher Associations, Parent Teacher Organizations) in the educational program and in problem-solving bullying issues;
13. Formation of professional learning communities to address bullying problems;
14. 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;
15. School policy and procedure revisions;
16. Modifications of schedules;
17. Adjustments in hallway traffic;



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

18. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;
19. Modifications in student routes or patterns traveling to and from school;
20. Supervision of student victims before and after school, including school transportation;
21. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
22. Targeted use of teacher aides;
23. Disciplinary action, including dismissal, for school staff who contributed to the problem;
24. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
25. Parent conferences;
26. Family counseling;
27. Development of a general harassment, intimidation, and bullying response plan;
28. Behavioral expectations communicated to students and parents;
29. Participation of the entire student body in problem-solving harassment, intimidation, and bullying issues;
30. Recommendations of a student behavior or ethics council;
31. Participation in peer support groups;
32. School transfers; and
33. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.

### Consequences and Appropriate Remedial Actions – Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

### Target/Victim Support

Districts should identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.

Examples of support for student victims of harassment, intimidation, and bullying include:

1. Teacher aides;
2. Hallway and playground monitors;
3. Partnering with a school leader;
4. Provision of an adult mentor;
5. Assignment of an adult "shadow" to help protect the student;
6. Seating changes;
7. Schedule changes;
8. School transfers;
9. Before- and after-school supervision;
10. School transportation supervision;
11. Counseling; and
12. Treatment or therapy.

### E. Harassment, Intimidation, and Bullying Reporting Procedure

The Board of Education requires the Principal at each school to be responsible for receiving 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



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

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 members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the Principal within two school days of the verbal report.

The Principal or designee will inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense. The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

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.

A person may report, verbally or in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student anonymously. The Board will not take formal disciplinary action based solely on the anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.





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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

A school administrator who receives a report of harassment, intimidation, and 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.

F. Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety/School Climate Team(s)

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of students;
  - b. Collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of students in the district;
  - c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of students;
  - d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
  - e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.
2. The Principal in each school shall appoint a school Anti-Bullying Specialist. The Anti-Bullying Specialist shall be a guidance counselor, school psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety/School Climate Team as provided in N.J.S.A. 18A:37-21;
- b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
- c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.

3. A School Safety/School Climate Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going systemic operational procedures and educational practices in the school, and to address issues such as harassment, intimidation, or bullying that affect school climate and culture. Each School Safety/School Climate Team shall meet, at a minimum, two times per school year. The School Safety/School Climate Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a student in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety/School Climate Team.

The School Safety/School Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;
- b. Receive copies of all reports prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

- d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- e. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. The School Safety/School Climate Team shall be provided professional development opportunities that may address effective practices of successful school climate programs or approaches; and
- g. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.

Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety/School Climate Team shall not participate in the activities of the team set forth in 3. a., b., or c. above or any other activities of the team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Student Records and N.J.A.C. 6A:14-2.9, Student Records.

### G. Harassment, Intimidation, and Bullying Investigation

The Board requires a thorough and complete investigation to be conducted for each report of violations and complaints which either identify harassment, intimidation, or bullying or describe behaviors that indicate harassment, intimidation, or bullying.

The investigation shall be initiated by the Principal or the Principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist in coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist with



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

the investigation. Investigations or complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation. An investigation concerning a staff member shall not be conducted by a staff member who is supervised by the staff member being investigated or who is an administrator in the district. The Principal or designee, in consultation with the Superintendent or designee, will appoint a staff member to complete these investigations.

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the incident. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school Anti-Bullying Specialist 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.

The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Superintendent within two 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.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Student Conduct has been implemented and may decide to provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, or take or recommend other appropriate action, as necessary.

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report shall include information on any consequences imposed under the Code of Student Conduct, any services provided, training established, or other action taken or recommended by the Superintendent.

Parents of involved student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, and whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

A parent may request a hearing before the Board of Education after receiving the written information about the investigation. Any request for such a hearing shall be filed with the Board Secretary no later than sixty calendar days after the written information is provided to the parents. The hearing shall be held within ten business days of the request. The Board of Education 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 Specialist and others, as appropriate, regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of the investigations to the Board 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 days after issuance of the Board of Education's decision.

A parent, student, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

As per FERPA 34 CFR § 99.12. If the education records of a student contain personally identifiable information on other students, the parent or eligible student may inspect or review or be informed of only the specific information about the student in question.

The New Jersey Anti-bullying Bill of Rights Act investigative and interview process is one in which the personally identifiable information of students other than the individual student in attendance will be discussed. The Nutley Board of Education values and respects the



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

privacy rights of its students and therefore shall not permit parents or their representative(s) to participate in or observe the harassment, intimidation, or bullying investigative and interview process.

If a suspected criminal offense is involved, the investigation would be conducted in accordance with N.J.A.C. 6A:16-6, Law Enforcement Operations for Alcohol, Other Drugs, Weapons and Safety and the Memorandum of Agreement Between Education and Law Enforcement Officials.

The New Jersey Anti-bullying Bill of Rights Act states all reports of harassment, intimidation or bullying (HIB) must be investigated by the school anti-bullying specialist in coordination with the principal. The purpose of the investigation is to determine the facts of each report, which would include assessing whether there was HIB according to the statutory definition or some other behavior of concern. Determinations on the nature of a behavior are not made prior to conducting an investigation, but are made based on the findings from an investigation. Additionally, in all cases when HIB is initially reported, regardless of the investigation findings, the district must engage in the entire procedure cited in N.J.S.A. 18A:37-15.

Therefore, parents may not deny school staff the ability to interview their child as part of the investigative process. Any attempt by a parent to deny school staff access to their child shall be deemed an attempt to impede or hinder the school's requirement to investigate all reports of harassment, intimidation or bullying.

### H. Range of Responses to an Incident of Harassment, Intimidation, or Bullying

The Board shall establish a range of responses to harassment, intimidation, and bullying incidents and the Principal and the Anti-Bullying Specialist shall appropriately apply these responses once an incident of harassment, intimidation, or bullying is confirmed. The Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The range of ways in which school staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other programs. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school officials respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building, or school district level or by law enforcement officials.



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include consistent and appropriate positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) intended to remediate the problem behaviors.
2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying, role plays (when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying), research projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.
3. School responses can include theme days, learning station programs, "acts of kindness" programs or awards, use of student survey data to plan prevention and intervention programs and activities, social norms campaigns, posters, public service announcements, "natural helper" or peer leadership programs, "upstander" programs, parent programs, the dissemination of information to students and parents explaining acceptable uses of electronic and wireless communication devices, and harassment, intimidation, and bullying prevention curricula or campaigns.
4. District-wide responses can comprise of adoption of school-wide programs, including enhancing the school climate, involving the community in policy review and development, providing professional development coordinating with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based organizations), launching harassment, intimidation, and bullying prevention campaigns.

### I. Reprisal or Retaliation Prohibited

The Board prohibits a Board member, school employee, contracted service provider who has contact with students, school volunteer, or student from engaging in reprisal,



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

retaliation, or false accusation against a victim, witness, or 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. All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances.

Examples of consequences and remedial measures for students who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.

Examples of consequences for a school employee or a contracted service provider who has contact with students who engage in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.

### J. Consequences and Appropriate Remedial Action for False Accusation

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

1. Students - Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., Discipline of Students and as set forth in N.J.A.C. 6A:16-7.2, Short-term





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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

Suspensions, N.J.A.C. 6A:16-7, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.

2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with district policies, procedures, and agreements which may include, but not be limited to: reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.
  3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with students or the provision of student services. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.
- K. Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This Policy will be disseminated annually by the Superintendent 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 district, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14 that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.

The Superintendent shall ensure that notice of this 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.



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

The Superintendent shall post a link to the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.

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, address, and school email address of both the Anti-Bullying Specialist and the district Anti-Bullying Coordinator on the home page of each school's website.

### L. Harassment, Intimidation, and Bullying Training and Prevention Programs

The Superintendent and Principal(s) shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees; including administrators, instructors, student support services, administrative/office support, transportation, food service, facilities/maintenance; contracted service providers; and volunteers who have significant contact with students; and persons contracted by the district to provide services to 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.

Each public school teacher and educational services professional shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention within each five year professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22.d. The required two hours of suicide prevention instruction shall include information on the risk of suicide and incidents of harassment, intimidation, or bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

Each newly elected or appointed Board member must complete, during the first year of the member's first term, a training program on harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:12-33.



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Nutley Public Schools  
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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

The school district shall provide time during the usual school schedule for the Anti-Bullying Coordinator and each school Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, and bullying as required in N.J.S.A. 18A:26-8.2.

The school district shall annually observe a “Week of Respect” beginning with the first Monday in October. In order to recognize the importance of character education, the school district will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district will provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the Core Curriculum Content Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, students, administrators, volunteers, parents, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:37-17 et seq.

### M. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment and Review

The Superintendent shall develop and implement a process for annually discussing the school district’s Harassment, Intimidation, and Bullying Policy with students.

The Superintendent, Principal(s), and the Anti-Bullying Coordinator, with input from the schools’ Anti-Bullying Specialists, shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, and any report(s) and/or finding(s) of the School Safety/School Climate Team(s). The Superintendent shall recommend to the Board necessary revisions and additions to the Policy consistent with N.J.S.A. 18A:37-15.c., as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.



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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

### N. Reports to Board of Education and New Jersey Department of Education

The Superintendent shall report two times each school year, between September 1 and January 1 and between January 1 and June 30 at a public hearing all acts of violence, vandalism, and harassment, intimidation, and bullying which occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46.

### O. School and District Grading Requirements

Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with the provisions of N.J.S.A. 18:37-13 et seq. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

### P. Reports to Law Enforcement

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

### Q. Collective Bargaining Agreements and Individual Contracts

Nothing in N.J.S.A. 18A:37-13.1 et seq. may be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the Anti-Bullying Bill of Rights Act's effective date (January 5, 2011). N.J.S.A. 18A:37-30.

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.



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OPERATIONS

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## HARASSMENT, INTIMIDATION, AND BULLYING (M)

### R. Students with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32.

### S. Approved Private Schools for Students with Disabilities (APSSD)

In accordance with the provisions of N.J.A.C. 6A:16-7.7(a).2.ix.(2), the Board of Education shall investigate a complaint or report of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-7.7(a).2.ix. and Section G. of this Policy, occurring on Board of Education school buses, at Board of Education school-sponsored functions, and off school grounds involving a student who attends an APSSD. The investigation shall be conducted by a Board of Education Anti-Bullying Specialist, in consultation with the APSSD.

The school district shall submit all subsequent amended Harassment, Intimidation, and Bullying Policies to the Executive County Superintendent of Schools within thirty days of Board adoption.

N.J.S.A. 18A:37-13 through 18A:37-32

N.J.A.C. 6A:16-7.1 et seq.; 6A:16-7.9 et seq.

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – April 2011 – New Jersey Department of Education

Memorandum – New Jersey Commissioner of Education – Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act – December 16, 2011

Adopted:



# POLICY

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Nutley Public Schools  
STUDENTS  
#5541 Page 1-1  
ANTI-HAZING (M)

## **5541 ANTI-HAZING (M)**

A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Hazing 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 of Education prohibits acts of hazing and adopts this Policy against hazing in accordance with N.J.S.A. 18A:37-32.2. The provisions of this Policy apply to high school(s); middle school(s); and/or elementary school(s) in the school district.

"Hazing" in a school setting includes, but is not limited to, conduct by an individual(s) who is a member and/or representative of a school-sponsored student organization, club, or athletic team where such individual(s) conditions a student's acceptance as a member into such group on whether the student engages in activities that are humiliating, demeaning, intimidating, and exhausting to the student.

N.J.S.A. 2C:40-3.a. indicates hazing may also include, but is not limited to, the conduct outlined below:

1. An individual(s) causes, coerces, or otherwise induces a student to commit an act that violates Federal or State criminal law;
2. An individual(s) causes, coerces, or otherwise induces a student to consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm or is otherwise deleterious to the student's health;
3. An individual(s) subjects a student to abuse, mistreatment, harassment, or degradation of a physical nature, including, but not limited to, whipping, beating, branding, excessive calisthenics, or exposure to the elements;
4. An individual(s) subjects a student to abuse, mistreatment, harassment, or degradation of a mental or emotional nature, including, but not limited to, activity adversely affecting the mental or emotional health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment;
5. An individual(s) subjects a student to abuse, mistreatment, harassment, or degradation of a sexual nature;  
or
6. An individual(s) subjects a student to any other activity that creates a reasonable likelihood of bodily injury to the student.

Board of Education members, school employees, and contracted service providers are required to report an alleged incident of hazing that may take place or has taken place on or off school grounds to the Principal or designee on the same day when the individual witnessed or received reliable information regarding such an incident. Students, parents, volunteers, or visitors are encouraged to report an alleged incident of hazing that may take place or has taken place on or off school grounds to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident.



# POLICY

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#5541 Page 2-1  
ANTI-HAZING (M)

Any report of an alleged incident of hazing shall be immediately investigated by the Principal or designee in accordance with procedures used to investigate alleged violations of the Student Discipline/Code of Conduct and Policy and Regulation 5600. A Principal or designee who receives a report of an alleged incident of hazing and fails

to initiate or conduct an investigation and fails to minimize or eliminate the hazing may be subject to disciplinary action.

The Principal or designee may identify behavior when investigating an alleged incident of hazing indicating harassment, intimidation, or bullying (HIB) pursuant to N.J.S.A. 18A:37-14 et seq. – the New Jersey Anti-Bullying Bill of Rights Act (ABR). If the Principal or designee identifies behavior indicating HIB, the Principal or designee shall ensure a separate investigation is conducted in accordance with the ABR and Policy 5512.

The Superintendent or designee shall report to local law enforcement any hazing incident that rises to the level of mandatory reporting under the “Uniform Memorandum of Agreement Between Education Officials and Law Enforcement Officials” or any other agreement between local law enforcement and the school district pursuant to N.J.A.C. 6A:16-5.1(b).

Hazing that involves the participation of a coach, teacher, or other adult may constitute child abuse and shall be addressed in accordance with N.J.S.A. 18A:36-25 and Policy and Regulation 8462.

The Board shall enforce any penalty for violation of this Policy in accordance with the student code of conduct and Policy and Regulation 5600, or any other applicable Board Policy or Regulation. In accordance with N.J.S.A. 18A:37-32.3 appropriate penalties for a violation of this Policy may include, but are not limited to:

1. Withholding of diplomas or transcripts pending compliance with the rules;
2. Rescission of permission for the organization or group whose student member(s) are being penalized under this Policy, to operate on school property or to otherwise operate under the sanction or recognition of the school district; and
3. The imposition of probation, suspension, dismissal, or expulsion of a student member(s).

Any discipline instituted in response to a violation of this Policy may be in addition to discipline for a violation of Policy 5512, Policy and Regulation 5600, and any other applicable Board Policy and Regulation.

The school district shall ensure that students are informed of this Policy, including the rules, penalties, and program of enforcement under this Policy. This Policy shall be posted on the school district’s publicly accessible Internet website.

N.J.S.A. 18A:36-25; 18A:37-13.2; 18A:37-14 et seq.; 18A:37-32.2;

18A:37-32.3

N.J.A.C. 6A:16-5.1

Adopted:



# POLICY

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Nutley Public Schools  
PROPERTY  
#7540 Page 1-1  
JOINT USE OF FACILITIES

## 7540 JOINT USE OF FACILITIES

The Board of Education supports the joint expenditure of school district funds and municipal or county funds to provide facilities from which the community may derive benefits. The Board may, as the opportunity or need arises join with the local municipal governing body in acquiring, improving, equipping, operating, or maintaining jointly used facilities in accordance with applicable law.

N.J.S.A. 18A:20-19 18A:20-34

Adopted:





# POLICY

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Nutley Public Schools  
OPERATIONS

#8465 Page 1-1

## BIAS CRIMES AND BIAS-RELATED ACTS (M)

### **8465 BIAS CRIMES AND BIAS-RELATED ACTS (M)**

The Board of Education is committed to providing a safe and healthy environment for all children in the school district. Bias crimes and bias-related acts involving students can lead to further violence and retaliation. Bias crimes and bias-related acts, by their nature are confrontational, inflame tensions, and promote social hostility and will not be tolerated by the school district. School district employees will work closely with local law enforcement and the county prosecutor's office to report or eliminate the commission of bias crimes and bias-related acts.

#### Definitions

A "bias crime" means any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race; color; religion; gender; disability; sexual orientation; gender identity or expression; national origin; or ethnicity.

A "bias-related act" means is an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial; gender; disability; religion; sexual orientation; gender identity or expression; national origin; or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense.

All bias crimes are also bias-related acts, but not all bias-related acts will constitute a bias crime.

#### Required Actions

School employees shall immediately notify the Principal and the Superintendent or designee when in the course of their employment they develop reason to believe a bias crime or bias-related act has been committed or is about to be committed in accordance with N.J.A.C. 6A:16-6.3e

The Superintendent or designee shall promptly notify the – local police department and the bias investigation officer for the county prosecutor's office when a bias crime or bias-related act has been committed or is about to be committed in accordance with N.J.A.C. 6A:16-6.3(e)1.

The Superintendent or designee shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe that a bias crime or bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe that a life has been or will be threatened in accordance with N.J.A.C. 6A:16-6.3(e)2.



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Nutley Public Schools  
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#8465 Page 2-1

## BIAS CRIMES AND BIAS-RELATED ACTS (M)

It is understood a referral to the local police department or county prosecutor's office pursuant to the Memorandum of Agreement between Education and Law Enforcement Officials is only a transmittal of information that might be pertinent to a law enforcement investigation and is not an accusation or formal charge.

Unless the local police department or the county prosecutor's office request otherwise, the school district may continue to investigate a suspected bias crime or bias-related act occurring on school grounds and may take such actions as necessary and appropriate to redress and remediate any such acts.

School officials will secure and preserve any such graffiti or other evidence of a suspected bias crime or bias-related act pending the arrival of the local police department or the county prosecutor's office. The school officials, where feasible, will cover or conceal such evidence until the arrival of the local police department or county prosecutor's office.

N.J.S.A. 2C:16-1

N.J.A.C. 6A:16-6.1 6A:16-6.2; 6A:16-6.3(e)

State Memorandum of Agreement approved by the Department

of Law & Public Safety and the Department of Education

Adopted:



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# REGULATION

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BIAS CRIMES AND BIAS-RELATED ACTS (M)

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## R 8465 **BIAS CRIMES AND BIAS-RELATED ACTS (M)**

### A. Definitions

1. A bias crime means any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race; color; religion; gender; disability; sexual orientation; gender identity or expression; national origin; or ethnicity.

2. A bias-related act means an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial; gender; disability; religion; sexual orientation; gender identity or expression; national origin; or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense.

3. All bias crimes are also bias-related acts, but not all bias-related acts will constitute a bias crime.

### B. Procedure For Reporting Bias Crimes and Bias-Related Acts



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# REGULATION

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BIAS CRIMES AND BIAS-RELATED ACTS (M)

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1. A school employee shall immediately notify the Principal and the Superintendent or designee when in the course of their employment, they develop reason to believe that:

a. A bias crime or a bias-related act has been committed or is about to be committed on school grounds;

b. A bias crime or a bias-related act has been or is about to be committed by student on or off school grounds, and whether such offense was or is to be committed during operating school hours; or

c. A student enrolled in the school has been or is about to become the victim of a bias crime or bias-related act on or off school grounds, or during operating school hours.

2. The Superintendent or designee shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office when a bias crime or bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias crime or bias-related act on or off school grounds, or during operating school hours.

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



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# REGULATION

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BIAS CRIMES AND BIAS-RELATED ACTS (M)

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C. Nature of Referral

1. The mandatory referral for suspected or committed bias crimes and bias-related acts as described in N.J.A.C. 6A:16-6.3(e) and this Regulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.

D. Concurrent Jurisdiction

1. Unless the local police department or the county prosecutor's office request otherwise, school officials may continue to investigate a suspected bias crime or bias-related act occurring on school grounds and may take such actions as necessary and appropriate to redress and remediate any such acts.

2. School officials will immediately discontinue any ongoing school investigation if the local police department or the county prosecutor's office believe the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.

a. Upon notice provided in D.2. above, school officials will take no further action without providing notice to and receiving the assent of the local police department or the county prosecutor's office.

E. Preservation of Evidence



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# REGULATION

Nutley Public Schools  
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R8465

BIAS CRIMES AND BIAS-RELATED ACTS (M)

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1. School officials will secure and preserve any such graffiti or other evidence of a suspected bias hate crime or bias-related act pending the arrival of the local police department or the county prosecutor's office.

2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the local police department or county prosecutor's office in a manner designed to minimize the harm and continued exposure to students by such evidence

Adopted:

