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### ROLE OF PARENTS/GUARDIANS

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

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

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

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

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

Date: October 17, 2006

Revised: February 16, 2016

Legal References: N.J.S.A. 18A:35-4.9 Pupil promotion and remediation; policies and procedures

N.J.S.A. 18A:35-22 Notice to parents that child identified as eligible for enrollment; option of declining enrollment; involvement of parents in program

N.J.A.C. 6A:8-4.3 Accountability

N.J.A.C. 6A:14-1.1 et seq. Special Education

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

N.J.A.C. 6A:32-12.1 Reporting requirements

N.J.A.C. 6A:32-12.2 School-level planning

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

ADMISSION

Eligibility

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

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

Proof of Eligibility

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

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

Kindergarten

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

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

#### Grade One

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

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

#### Transfers Into Grades Two through 12

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

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

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

#### Joint Custody

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

#### Affidavit Pupils

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

#### Nonresidents

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

### Students Returning from County Detention

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

### Homeless Pupils

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

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

Date: February 25, 1992

Revised: March 16, 1993

Revised: July 13, 2000

Revised: December 19, 2006

Revised: February 16, 2016

Legal References: N.J.S.A. 18A:7B 12 District of residence; determination  
N.J.S.A. 18A:7B-12.1 Homeless child; responsibility for education;  
determination of placement; payment of costs  
N.J.S.A. 18A:7C et seq. High School Graduation Standards  
See particularly:  
N.J.S.A. 18A:7C-12  
N.J.S.A. 18A:36 19a Newly enrolled students; records and identification  
N.J.S.A. 18A:36 25.1 Proof of child's identity required for enrollment;  
transfer of record between districts  
N.J.S.A. 18A:38 1 Attendance at school free of charge  
N.J.S.A. 18A:38 2 Free attendance at school by nonresidents placed in  
district under court order  
N.J.S.A. 18A:38 3 Attendance at school by nonresidents  
N.J.S.A. 18A:38 4 Free attendance to persons over age  
N.J.S.A. 18A:38 5 Admission of pupils under age  
N.J.S.A. 18A:38 5.1 No child to be excluded from school because of  
race, etc.  
N.J.S.A. 18A:38 6 Time of admission of pupils; first school year  
N.J.S.A. 18A:38 7.7 Legislative findings and declarations  
N.J.S.A. 18A:38 8 Duty to receive pupils from other districts  
N.J.S.A. 18A:38 25 Attendance required of children between six and 16;  
exceptions  
N.J.S.A. 18A:40 20 Immunization at public expense  
N.J.S.A. 18A:44 1 Establishment of nursery schools or departments;  
eligibility for admission  
N.J.S.A. 18A:44 2 Establishment of kindergarten; eligibility for  
admission

N.J.S.A. 26:1A 9.1 Exemption of pupils from mandatory immunization  
N.J.S.A. 26:4 6 Prohibiting attendance of teachers or pupils  
N.J.A.C. 6A:12-3.1 Choice district application procedures  
N.J.A.C. 6A:14-1.1 et seq. Special Education  
N.J.A.C. 6A:16-2.2 Required health services  
N.J.A.C. 6A:16-2.4 Required student health records  
N.J.A.C. 6A:17-1.1 et seq. Education of Homeless Children and  
Students in State Facilities  
N.J.A.C. 6A:22-1.1 et seq. Entitlement to Attend School Based on  
Domicile or Student Residency

See particularly:

N.J.A.C. 6A:22-3.1, 3.2, 3.3, 3.4

N.J.A.C. 6A:23A-19.2, -19.3 Method of determining the district of  
residence

N.J.A.C. 6A:32-8.2 School enrollment

N.J.A.C. 8:57 Communicable diseases

See particularly:

N.J.A.C. 8:57 2

N.J.A.C. 8:61 1.1 Attendance at school by pupils or adults infected by  
Human Immuno Deficiency Virus (HIV)

Tepper v. Board of Education of the Township of Hackensack, Bergen  
County, 1971 S.L.D. 549 No Child Left Behind Act of 2001, Pub. L.  
107-110, 20 U.S.C.A. 6301 et seq.

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

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

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

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

ATTENDANCE, ABSENCES, AND EXCUSES

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

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

Attendance

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

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

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

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

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



forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.

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

#### Excused and Unexcused Absence

- A. An absence shall be considered an “excused absence” for the purpose of determining promotion, retention, truancy, grades, course credit, eligibility to make up missed assignments and tests for full credit, and violations of the school code of conduct for attendance, for the following reasons:
1. The student’s illness;
  2. Requirements of a student’s individual health care plan;
  3. A death or critical illness in the student’s immediate family, or of others with permission of principal;
  4. Quarantine;
  5. Observance of the student’s religion on a day approved for that purpose by the State Board of Education;
  6. The student’s suspension from school.
  7. Requirements of the student’s individualized education program (IEP);
  8. Alternate short or long term accommodations for students with disabilities;
  9. The student’s required attendance in court;
  10. Interviews with an admissions officer of an educational institution;
  11. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
  12. Such good cause as may be acceptable to the principal.

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

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

1. Family travel;
2. Performance of household or babysitting duties;
3. Other daytime activities unrelated to the school program;
4. Leaving school without permission when school is still in session;
5. Leaving class because of illness and not reporting to the school nurse as directed; or
6. Being present in school but absent from class without approval. Such absence from class is a "class cut."

#### Tardiness

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

#### Attendance and Instruction

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

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

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

A pupil must be in attendance for 165 or more school days in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned.

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

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences rather than only those in excess of the 15 days. Documentation of the nature and causes of these absences shall be the responsibility of the pupil and parent/guardian. The absence of documented parent/guardian notes, doctor's notes, and other records that verify that an absence was excused according to Garwood Board of Education policy, shall be considered unexcused.

Unexcused absences shall count toward truancy and may be subject to loss of grade or course credit toward promotion or graduation and disciplinary actions according to the code of student conduct. Notes from parents/guardians shall be considered but the district may require additional documentation such as doctor's notes or other official records to verify the note.

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

#### Procedures for Unexcused Absences

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

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

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

#### Procedures for Persistent Absences

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

- A. Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence prior to the start of the following school day;
- B. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parents to address patterns of unexcused absences previously;
- C. Evaluate the appropriateness of action taken as identify in consultation with the student's parents;
- D. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:

1. Refer or consult with the building's intervention and referral services team;
2. Conduct testing, assessments or evaluations of the student's academic, behavioral and health needs;
3. Consider an alternate educational placement;
4. Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
5. Refer to the court or a court program as follows:
  - a. When the unexcused absences are determined to be violations of the compulsory education law and board policy;
  - b. When there is evidence of a juvenile-family crisis the student may be referred to Superior Court, Chancery Division, Family Part. "Juvenile-family crisis" pursuant to N.J.S.A. 2A:4A-22(g) means behavior, conduct or a condition of a juvenile, parent or guardian or other family member which presents or results in a threat to wellbeing and safety of the juvenile, serious conflict regarding the juvenile's conduct, unauthorized absence from home, pattern of unauthorized absence from school, or human trafficking;
6. The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate;
7. Engage the student's family.

#### Discipline

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

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

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

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

#### Truancy

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

- A. Make a determination regarding the need for a court referral for the truancy;
- B. Make a reasonable attempt to notify the student's parents of the mandatory referral;
- C. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
- D. Cooperate with law enforcement and other authorities and agencies, as appropriate;
- E. Follow all procedures required by N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School and other applicable state and federal statutes as follows:
  - 1. An attendance officer who finds a truant child, shall take the child and deliver him/her to the parent/guardian or other person having charge and control of the child, or to the teacher of the school which such child is lawfully required to attend;
  - 2. The attendance officer shall examine into all violations and shall warn the child, the parent/guardian or other person having charge and control of the child of the consequences of the violation if persisted in;
  - 3. The attendance officer shall notify the parent/guardian or other person having charge and control of the child in writing, to cause the child to attend school within five days from the date on which notice is served, and regularly thereafter;
  - 4. The attendance officer shall have full police power to enforce the provisions of this article and may arrest without warrant any vagrant child or habitual truant or any child who is habitually incorrigible or who is vicious or immoral in conduct or illegally absent from school;
  - 5. The sheriff and his officers and all police officers and constables shall assist the attendance officer in the performance of their duties;
  - 6. A parent, guardian or other person having charge and control of a child between the ages of 6 and 16 years, who shall fail to comply with any of the provisions of this article relating to his duties, shall be deemed to be a disorderly person and shall be subject to a fine of not more than \$ 25.00 for a first offense and not more than \$ 100.00 for each subsequent offense, in the discretion of the court. In any such proceeding, the summons issuing therein, or in special circumstances a warrant, shall be directed to the alleged disorderly person and the child.

Unexcused Absences for Students in Special Education

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

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

### District Sending and Receiving Relationships

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

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

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

### Late Arrival and Early Dismissal

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

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

- A. Medical or dental appointments which cannot be scheduled outside of school hours;
- B. Requirements of a student's individualized health care plan and individualized emergency healthcare plan;
- C. Requirements of the student's individualized education program (IEP);
- D. Alternate short or long term accommodations for students with disabilities;
- E. Medical disability;
- F. Motor vehicle driver's test;
- G. Interview for college entrance or employment;
- H. Family emergency;
- I. Court appearance;
- J. Such good cause as may be acceptable to the administration.

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

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

### Legal Custody

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

### Potentially Missing Children

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

### Marking Missing Child's School Record

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

### Regulations

The chief school administrator shall develop procedures for the attendance of pupils including:

- A. The expectations and consequences regarding students' timely arrival of students to school and classes;
- B. The expectations and consequences regarding attendance at school and classes;
- C. A definition of unexcused absence that counts toward truancy that is consistent with the definition of a school day;
- D. School staff responses for unexcused absences for:
  - 1. Cumulative absences up to four;
  - 2. Cumulative absences of between five and nine;
  - 3. Cumulative unexcused absences of 10 or more; and
  - 4. Referral to court.

### Dissemination and Implementation

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

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

The Garwood Board of Education shall review the attendance policy on a regular basis.

Adopted: March 21, 2000

Revised: December 19, 2006

Revised: February 16, 2016

Legal References: N.J.S.A. 18A:11 1 General mandatory powers and duties  
N.J.S.A. 18A:35 4.9 Pupil promotion and remediation; policies and procedures  
N.J.S.A. 18A:36 14, -15, -16 Religious holidays; absence of pupils on; effect  
N.J.S.A. 18A:36 19a Newly enrolled students; records and identification  
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N.J.S.A. 18A:54 20 Powers of board (county vocational schools)  
N.J.S.A. 52:17B-9.8a through -9.8c Marking of missing child's school record  
N.J.A.C. 6A:8-5.1 Graduation requirements  
N.J.A.C. 6A:16-1 et seq. Programs to support student development  
See particularly:  
N.J.A.C. 6A:16-7.6 Attendance  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts



N.J.A.C. 6A:32-8.1 et seq. Student Attendance and Accounting

N.J.A.C. 6A:32 8.3 Student attendance

N.J.A.C. 8:61-2.1 Attendance at school by students or adults with HIV infection

Wetherell v. Board of Education of Township of Burlington, 1978 S.L.D. 794 (Board may impose penalties for unjustifiable tardiness, improper absences from classes, truancy, and other unexcused absences)

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

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

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

[www.nj.gov/education/students/safety/behavior/attendance/checklist.pdf](http://www.nj.gov/education/students/safety/behavior/attendance/checklist.pdf)

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

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

### SUSPENSION AND EXPULSION

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

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

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

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

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular

education program for a period of not less than one calendar year. The chief school administrator may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Garwood Board of Education. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

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

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

#### In-school Suspension

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

#### General

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

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

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

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

#### Making Up Missed Work

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

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

### Procedures

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

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

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

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

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

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

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

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

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

### Expulsion

The board will consider expulsion only if:

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

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

The child shall remain out of school until either:

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

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

The pupil must receive:

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

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

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

### Implementation

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

When an alternative educational program is provided for a pupil identified as disruptive but not disabled, the chief school administrator shall inform the Garwood Board of Education.

DATE: December 1985

REVISED: December 17, 1996

REVISED: January 16, 2007

REVISED: September 20, 2011

REVISED: February 16, 2016

Legal References: N.J.S.A. 2C:12-1 Definition of assault  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:37-1 et seq. Discipline of pupils  
See particularly:  
N.J.S.A. 18A:37-2.1 through -2.5, 18A:37-7 through -12  
N.J.S.A. 18A:40A-1 et seq. Substance abuse  
See particularly:  
N.J.S.A. 18A:40A-9, -10, -11, -12  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly:  
N.J.A.C. 6A:16-1.3, -4.3, -5.1, -5.5, -5.6, -5.7  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-2.1 Definitions  
N.J.A.C. 6A:32-12.2 School-level planning  
20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of  
P.L. 103-382, Improving America's Schools Act of 1994  
Goss v. Lopez, 419 U.S. 565, 581 (1975)  
Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App.  
Div.) aff'd 59 NJ 506 (1971)  
R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)  
H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336  
82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School  
District  
Honig v. Doe, 484 U.S. 305 (1988)  
Somerset County Educational Services Commission v. North Plainfield Board  
of Education 1999 S.L.D. September 7  
State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)  
P.L. 2010, c.122 amended N.J.S.A. 18A:37-2 to include harassment,  
intimidation or bullying as a good cause for suspension or expulsion.  
See also Commissioners' Decisions indexed under "Pupils—Punishment of" in  
Index to N.J. School Law Decisions  
A Uniform State Memorandum of Agreement Between Education and Law  
Enforcement Officials

NONRESIDENTS

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

Future Residents

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence in this district shall be enrolled for a period not to exceed 30 days previous to the anticipated date of residency without tuition charges. If the child has not become a resident of the district by the end of the period of free attendance, tuition shall be required for the remainder of the time until residency is established.

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

Former Residents

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

Children of Nonresident Staff Members

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

Foreign Exchange Students

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

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

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

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

#### Homeless Pupils

The district will determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as pertinent federal law. The district will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the district meets federal and state requirements for educating homeless students.

#### Other Nonresident Pupils

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

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

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

The chief school administrator or his/her designee shall recommend to the Garwood Board of Education for its approval the admission of qualified applicants.



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

The Garwood Board of Education shall annually determine tuition rates for nonresident pupils.

Date: March 24, 1992

Revised: December 19, 2006

Revised: February 16, 2016

Legal References: N.J.S.A. 18A:7F-45 Definitions  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:36B-1 et seq. Interdistrict Public School Choice Program Act of 1999  
N.J.S.A. 18A:38-1 et seq. Attendance at school free of charge  
See particularly:  
N.J.S.A. 18A:38-2, 38-3, 38-8, 38-9  
N.J.S.A. 18A:46-20 Receiving pupils from outside district; establishment of facilities  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:12-1.3 et seq. Inter-district Public School Choice  
N.J.A.C. 6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education  
N.J.A.C. 6A:22 Student residency  
See particularly:  
N.J.A.C. 6A:22-3 Eligibility to attend school  
N.J.A.C. 6A:22-3.1 Students domiciled within the school district  
N.J.A.C. 6A:23A-19.2 Method of determining the district of residence  
N.J.A.C. 6A:23A-19.3 Address submission for determining the district of residence  
Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101  
Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)  
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.  
J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div 1999)

## TRANSFERS

### General

All transfers into the schools of the district shall be in accord with Garwood Board of Education policy #5111, Admission. Students transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

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

Student records shall be transferred between chief school administrators within the time frame prescribed by law.

### Intradistrict Transfers in Compliance with No Child Left Behind

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

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

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

### Unsafe School Choice Option

If a school in the district is identified as “persistently dangerous” by the state department of education, all students in that school shall be offered on a space available basis the option of transferring into another school in the district that has not been so designated.

Parents/guardians shall be notified within 15 calendar days after the district is notified of the school’s status, and all transfers shall be completed by the beginning of the school year following. To the extent possible, transfers shall be into schools in the district that are making adequate yearly progress. Students may remain in the school into which they have transferred until the school of origin is no longer identified as “persistently dangerous.”

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

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

If the Garwood Board of Education cannot offer a safe school alternative within the district to students choosing to transfer out of a “persistently dangerous” school or to a student who has been a victim of a violent criminal offense, the chief school administrator shall attempt to establish an agreement with a neighboring district. The Garwood Board of Education shall review and approve any agreement prior to its application.

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

Date: February 16, 2016

Legal References: N.J.S.A. 18A:7B-12 District of residence; determination  
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification  
N.J.S.A. 18A:36-25.1 Proof of child’s identity required for enrollment;  
transfer of record between districts  
N.J.S.A. 18A:36B-1 et seq. Interdistrict Public School Choice Program  
N.J.S.A. 18A:38-8 Duty to receive pupils from other districts  
N.J.A.C. 6A:12-3.2 Criteria to guide the Commissioner’s approval of  
choice program applications  
N.J.A.C. 6A:23A-19.2 Method of determining residency  
N.J.A.C. 6A:32-8.2 School enrollment  
  
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.  
Unsafe School Choice Option Policy, New Jersey Department of  
Education, June 30, 2003

ASSESSMENT OF INDIVIDUAL NEEDS

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

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

- A. Identifying district needs as the basis for development of mandated goals; development of staff inservice programs; selecting and approving instructional materials; staffing;
- B. Identifying and determining the needs of:

- 1. Gifted and talented pupils;
- 2. Disruptive pupils;
- 3. Disaffected pupils;
- 4. Potential dropouts;
- 5. Students who exhibit one or more potential indicators of dyslexia or other reading disability;
- 6. Pupils who require basic skills improvement programs;
- 7. Pupils with limited English proficiency;
- 8. Pupils who may require formal referral to the child study team for classification.

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

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

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

Dyslexia Assessment

“Dyslexia” means a specific learning disability that is neurological in origin. It can be characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. Difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems

in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge (N.J.A.C. 6A:14-1.3).

The Garwood Board of Education shall select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities.

The Garwood Board of Education shall ensure that each student enrolled in the school district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using a screening instrument selected by the Garwood Board of Education. The screening shall be conducted no later than the student's completion of the first semester of the second grade.

Students newly enrolling in the district or transferring into the district in kindergarten or grades one through six who exhibit potential indicators of dyslexia or other reading disabilities and who have not been previously assessed, shall be assessed using the Garwood Board of Education selected age-appropriate screening instruments. Students shall be assessed at the same time as other students enrolled in the student's grade if feasible. If other students enrolled in the student's grade have previously been screened, the assessment shall be conducted within 90 calendar days of the date the student is enrolled in the district.

Potential indicators of dyslexia or other reading disabilities include, but are not limited to:

- A. Difficulty in acquiring language skills;
- B. Inability to comprehend oral or written language;
- C. Difficulty in rhyming words;
- D. Difficulty in naming letters, recognizing letters, matching letters to sounds, and blending sounds when speaking and reading words;
- E. Difficulty recognizing and remembering sight words; consistent transposition of number sequences, letter reversals, inversions, and substitutions; and
- F. Trouble in replication of content.

The screening shall be administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities. If the results of the assessment substantiate that the student possesses one or more potential indicators of dyslexia or other reading disabilities, the student shall receive a comprehensive assessment for the learning disorder. If the diagnosis of dyslexia or other reading disability is confirmed by the comprehensive assessment, appropriate evidence-based intervention strategies shall be provided to the student, including intense instruction on phonemic awareness, phonics and fluency, vocabulary, and reading comprehension.

Date: December 1985

Revised: January 16, 2007

Revised: February 16, 2016

Legal References: N.J.S.A. 18A:7A-10 Evaluation of performance of each school  
N.J.S.A. 18A:40-5.1 Definitions relative to reading disabilities  
N.J.S.A. 18A:40-5.2 Distribution of information on screening instruments  
N.J.S.A. 18A:40-5.3 Screening for dyslexia, other reading disabilities  
N.J.S.A. 18A:40-5.4 Comprehensive assessment for learning disorder  
N.J.A.C. 6A:8-3.1 et seq. Implementation of the Core Curriculum Content Standard  
N.J.A.C. 6A:8-4.1 et seq. Implementation of the Statewide Assessment System

See particularly:

N.J.A.C. 6A:8-4.1(d), -4.3(c)(d), -4.4  
N.J.A.C. 6A:8-5.1 Graduation requirements  
N.J.A.C. 6A:10-1.1 et seq. Educator effectiveness

See particularly:

N.J.A.C. 6A:10-2.4 Evaluation procedures for all teaching staff members  
N.J.A.C. 6A:10-5.1 et seq. Components of principal evaluation  
N.J.A.C. 6A:10-7.1 Evaluation of the chief school administrator  
N.J.A.C. 6A:14-1.1 et seq. Special Education

See particularly:

N.J.A.C. 6A:14-1.3, 3.3, 3.4, 3.8, 4.11, 4.12  
N.J.A.C. 6A:15-1.1 et seq. Bilingual Education

See particularly:

N.J.A.C. 6A:15-1.3, -1.10, -1.11  
N.J.A.C. 6A:16-8.1 Establishment of intervention and referral services  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

N.J.A.C. 6A:32-2.1 Definitions

N.J.A.C. 6A:32-14.1 Review of mandated programs and services

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

### REPORTING TO PARENTS/GUARDIANS

The Garwood Board of Education believes that the cooperation of school and home is vital to the growth and education of the whole child. It recognizes its responsibility to keep parents/guardians informed of pupil welfare and progress in school.

The Garwood Board of Education directs the establishment of a system of reporting pupil progress that shall include written reports, pupil-teacher conferences, and parent/guardian-teacher conferences. If the parent/guardian's primary language is other than English, translation shall be provided whenever possible.

The chief school administrator shall develop procedures for reporting pupil progress which:

- A. Use various methods of reporting appropriate to grade level and curriculum content;
- B. Ensure that both pupil and parent/guardian receive ample warning of a pending grade of "failure" or one that would adversely affect the pupil's status;
- C. Enable the scheduling of parent/guardian-teacher conferences in such places and at such times as will ensure the greatest degree of participation by parents/guardians;
- D. Specify the issuance of report cards at intervals of not less than four times during the school year and issuance of deficiency notices as required during the school year;
- E. Ensure the continual review and improvement of methods of reporting pupil progress to parents/guardians and involve pupils, staff and parents/guardians in that review.

A record shall be kept indicating the legal custodian of each pupil, so that reports can be made to and conferences arranged with the proper person.

#### Parental Notification

The chief school administrator shall develop regulations to ensure that parents/guardians are notified in all instances when the law and/or the best interests of the pupil and the district require it.

Date: December 1985

Revised: June 2002

Revised: May 15, 2007

Revised: August 21, 2007

Revised: February 16, 2016

Legal References: N.J.S.A. 18A:7E-2 through -5 School report card program  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:35-4.9 Pupil promotion and remediation; policies and procedures

N.J.S.A. 18A:40A-12 Reporting of pupils under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral

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

N.J.A.C. 6A:8-4.3 Accountability

N.J.A.C. 6A:8-4.5 Public reporting

N.J.A.C. 6A:8-5.1 Graduation requirements

N.J.A.C. 6A:14-1.1 et seq. Special Education

See particularly:

N.J.A.C. 6A:14-1.1, -2.3, -2.4, -2.5, -2.6, -3.5, -7.9

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

See particularly:

N.J.A.C. 6A:15-1.13, -1.15

N.J.A.C. 6A:16-1.4 District policies and procedures

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

N.J.A.C. 6A:32-7.1(d, k) General considerations

N.J.A.C. 6A:32-12.1 Reporting requirements

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



STUDENT RECORDS

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

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

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

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

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

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

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

- A. Notification of rights in writing, in dominant language of parent/adult student, if possible. When the parent or adult student's dominant language is not English, or the parent/adult student is deaf, the district shall provide interpretation of the record in the dominant spoken or sign language;
- B. Copies of applicable state and federal laws and local policies made available on request;
- C. Should the parental rights of one or the other parent/guardian be terminated by a court of appropriate jurisdiction, it is the responsibility of the person/agency having legal custody

to notify the district that the right to review student records should be denied the person whose rights have been terminated;

- D. Parents/guardians or adult students have the right to seek to include in the records material they think pertinent or to seek exclusion from the records of material that is untrue, irrelevant to the student's present educational situation or otherwise improperly contained in the student's record. Parents/adult students have the right to request an immediate stay of disclosure pending final determination of the challenge procedure. They also have the right to challenge the district's granting or denial of access to the student's records.

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

#### Student Information Directories

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

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

Such rights include:

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

#### District Review of Student Records

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

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

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

### Records of Classified Students

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

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

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

### Transfer of Student Records

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

All records of district students moving into the 9<sup>th</sup> grade that are in the Garwood school system shall be transferred in a secure and orderly fashion at the mutual convenience of the two chief school administrators.

### Permitted Access to Student Records

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

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

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

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

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

The district will make a charge for copies.

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

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

#### Conditions of Access

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

#### Retention and Destruction of Records

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

New Jersey district of last enrollment must keep in perpetuity: name, date of birth, gender, citizenship, address, phone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

#### Liability

Liability shall not be attached to any member, officer or employee of the Garwood Board of Education permitting access or furnishing student records in accordance with these rules and

regulations. It shall be the responsibility of the chief school administrator to keep abreast of all changes in state and federal law and regulation concerning student records.

Adopted: December 1985

Revised: December 16, 1997

Revised: December 18, 2007

Revised: March 15, 2016

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure  
N.J.S.A. 18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability  
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification  
N.J.S.A. 18A:36-19.1 Military recruiters; access to schools and student  
N.J.S.A. 18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent  
N.J.S.A. 18A:40-4 Examination for physical defects and screening of hearing of students; health records  
N.J.S.A. 18A:40-19 Records and reports of tuberculosis testing; disposition; inspection  
N.J.S.A. 26:5C-7 through -14 Acquired Immune Deficiency Syndrome  
N.J.S.A. 47:1A-1 et seq. Examination and copies of public records (Open Public Records Act)  
N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law  
N.J.S.A. 52:17B-9.8a through -9.8c Marking of missing child's school record  
N.J.A.C. 6A:8-4.2 Documentation of student achievement  
N.J.A.C. 6A:14-1.1 et seq. Special Education  
See particularly:  
N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly:  
N.J.A.C. 6A:16-1.4, -2.2, -2.4, -3.2, -5.4, -6.5, -10.2  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-2.1 Definitions  
N.J.A.C. 6A:32-7.1 et seq. Student records  
N.J.A.C. 6A:32-8.1 School register  
N.J.A.C. 6A:32-14.1 Review of mandated programs and services  
N.J.A.C. 8:61-2.1 Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)  
N.J.A.C. 15:3-2 Records retention  
20 U.S.C.A. 1232g - Family Educational and Privacy Rights Act  
42 U.S.C.A. 4541 et seq. - Comprehensive Alcohol Abuse and

Alcoholism Prevention Treatment and Rehabilitation Act of 1980  
42 CFR Part II

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

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

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

AWARDS FOR ACHIEVEMENT

General

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

The Garwood Board of Education directs the chief school administrator/designee to develop criteria and procedures for presenting awards to pupils for scholarship and outstanding accomplishments in the arts, athletics and citizenship.

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

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

Academic Recognition

The Garwood Board of Education directs the chief school administrator/designee to establish criteria and procedures for placing pupils in grades 5 through 8 on academic honor rolls.

Athletic Participation

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

Service Participation

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

Date: December 1985

Revised: March 18, 2008

Revised: March 15, 2016

Legal References: N.J.S.A. 18A:36-20 Discrimination; prohibition  
N.J.S.A. 18A:71A-9 Higher education student assistance authority

COMMENCEMENT ACTIVITIES

The Garwood Board of Education endorses graduation activities and ceremonies. The date of graduation shall annually be recommended by the chief school administrator and approved by the Garwood Board of Education.

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

Guidelines for Graduation Year Activities

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

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

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

The final decision shall be made by the chief school administrator.

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

Voting Information and Registration

Prior to graduation, the Garwood Board of Education shall provide a voter registration form and material describing the role of a citizen and the importance of voting to each eligible high school pupil.

Graduation Procedures and Ceremonies

No pupil shall be barred from participation in graduation ceremonies for arbitrary or discriminatory reasons. A pupil who may be prevented from participation and his/her parents/guardians shall be so notified in advance and no later than 7 days prior to the close of the school year.

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

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

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



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

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

#### Awarding of Diplomas

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

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

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

Date: July 20, 1982

Revised: May 20, 2008

Revised: March 15, 2016

Legal References: N.J.S.A. 18A:7C-5.1 Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees

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

N.J.S.A. 18A:36-18 Books containing organic laws at graduation

N.J.S.A. 18A:36-27 Voting information

N.J.S.A. 18A:37-2 Causes for suspension or expulsion of pupils

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

N.J.A.C. 6A:8-5.1 *et seq.* Implementation of graduation requirements

N.J.A.C. 6A:16-7.1 *et seq.* Student conduct

Ballato v. Long Branch Board of Education, 1990 S.L.D. (August 20)

Lee v. Weisman, 112 S.Ct. 2649 (1992)

R.L. v. Kingsway Regional Board of Education, 95 NJAR2d (EDU) 296

D.C. v. Parsippany Troy Hills Board of Education, 96 NJAR2d (EDU) 697

DO'G v. Ridgfield Park Board of Education, 96 NJAR2d (EDU) 820

R.F. v. Park Ridge Board of Education, 97 NJAR2d (EDU) 1

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

CONDUCT/DISCIPLINE

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

The Garwood Board of Education expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment. Students are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority.

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

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

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

Code of Conduct

The chief school administrator shall oversee the development of and the Garwood Board of Education shall approve a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The code of conduct shall be based on parent/guardian, student and community involvement, and locally determined core ethical values. The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

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

The district code of conduct shall contain:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
- B. A description of behaviors that will result in suspension or expulsion;
- C. A description of the students' rights to:
  - 1. Advance notice of behaviors that will result in suspensions or expulsions;
  - 2. Education that supports student development into productive citizens;
  - 3. Attendance in safe and secure school environment;
  - 4. Attendance in school irrespective of marriage, pregnancy, or parenthood;
  - 5. Due process and appeal procedures in accordance with law and Garwood Board of Education policy;
  - 6. Parent notifications consistent with Garwood Board of Education policy and law for law enforcement interviews, (Policy No. 5145.11 Questioning and Apprehension), short-term and long-term suspension (Policy No. 5114 Suspension and Expulsion), due process and appeal procedures, and attendance (Policy No. 5113 Attendance, Absences and Excuses);
  - 7. Records and privacy protections (Policy No. 5125 Student Records).
- D. A description of behavioral supports that promote positive student development and assist each student in fulfilling the district behavioral expectations established including intervention and referral services, remediation, and intervention and supports services for students with disabilities;
- E. A description of graded responses to violations of the code of conduct that includes remediation, is consistent with law concerning corporal punishment, and is consistent with laws and board policies concerning violence/vandalism (Policy No. 5131.5) and, weapons and dangerous instruments (Policy No. 5131.7);
- F. Cover the Garwood Board of Education Attendance Policy No. 5113 and the Harassment, Intimidation and Bullying Policy No. 5131.1;
- G. Lists community-based health and social service providers, and local legal resources.

#### Student Behavioral Infractions

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

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.5, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the Garwood Board of Education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.5. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

#### Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of

prescribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense in accordance with Policy No. 5131.6 Substance Abuse. Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

#### Weapons Offenses

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

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

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

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

#### Harassment, Intimidation or Bullying

The Garwood Board of Education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The Garwood Board of Education prohibits acts of harassment, intimidation or bullying against any student in accordance with board Policy No. 5131.1 Harassment, Intimidation and Bullying, and law.

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

- A. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students;
- B. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property; or
- C. Has the effect of insulting or demeaning any student or group of students; or
- D. Creates a hostile educational environment by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

“Electronic communication” means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager, that takes place on school grounds, at any school-sponsored function or on a school bus.

#### Students with Disabilities

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

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

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

#### Policy and Procedure Development, Review and Dissemination

The standards and procedures developed to implement this policy shall be aligned with the Garwood Board of Education approved code of student conduct and accepted Garwood Board of Education approved core ethical values. Policies, standards and procedures shall be based on parent, student and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1.

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

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

The chief school administrator shall annually:

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

#### Implementation

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

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

DATE: December 1985

REVISED: December 17, 1996

REVISED: April 2003

REVISED: February 19, 2008

REVISED: October 20, 2009

REVISED: September 20, 2011

REVISED: March 15, 2016

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

N.J.S.A. 2C:12-1 Definition of assault

N.J.S.A. 2C:33-19 Paging devices, possession by students

N.J.S.A. 2C:39-5 Unlawful possession of weapons

N.J.S.A. 18A:6-1 Corporal punishment of pupils

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

N.J.S.A. 18A:25-2 Authority over pupils

N.J.S.A. 18A:36-19a Newly enrolled students; records and identification

N.J.S.A. 18A:37-1 et seq. Discipline of Pupils

See particularly:

N.J.S.A. 18A:37-15 Harassment, intimidation, and bullying

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

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

N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.4,-2.4, -4.1, -5.1, -6.1, -6.2, -7.1, -7.6, -7.9

N.J.A.C. 6A:32-12.1 Reporting requirements

N.J.A.C. 6A:32-12.2 School-level planning

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

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

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

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

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

See also Commissioners’ Decisions indexed under “Pupils – Punishment of” in

Index to N.J. School Law Decisions

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

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law

Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

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

HARASSMENT, INTIMIDATION AND BULLYING

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

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

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

The Garwood Board of Education prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The chief school administrator shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the chief school administrator shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

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

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

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

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

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

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

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

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

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



- b. Mediation;
  - c. Peer support group;
  - d. Recommendations of a student behavior or ethics council;
  - e. Corrective instruction or other relevant learning or service experience;
  - f. Supportive student interventions, including participation of the intervention and referral services team;
  - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
  - h. Behavioral management plan, with benchmarks that are closely monitored;
  - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
  - j. Involvement of school disciplinarian;
  - k. Student counseling;
  - l. Parent conferences;
  - m. Student treatment; or
  - n. Student therapy.
2. Environmental (Classroom, School Building or School District)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
  - b. School culture change;
  - c. School climate improvement;
  - d. Adoption of research-based, systemic bullying prevention programs;
  - e. School policy and procedures revisions;
  - f. Modifications of schedules;
  - g. Adjustments in hallway traffic;
  - h. Modifications in student routes or patterns traveling to and from school;
  - i. Supervision of students before and after school, including school transportation;
  - j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
  - k. Teacher aides;
  - l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
  - m. General professional development programs for certificated and non-certificated staff;
  - n. Professional development plans for involved staff;
  - o. Disciplinary action for school staff who contributed to the problem;
  - p. Supportive institutional interventions, including participation of the intervention and referral services team;
  - q. Parent conferences;
  - r. Family counseling;
  - s. Involvement of parent-teacher organizations;

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

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

Staff

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

disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

A. Consequences

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

B. Remedial Measures

1. Personal

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

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

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

Reporting Harassment, Intimidation and Bullying Behavior

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

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

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

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

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

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

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

#### District Anti-Bullying Coordinator

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

The district anti-bullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the Garwood Board of Education, and the chief school administrator to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- C. Provide data, in collaboration with the chief school administrator, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the chief school administrator.

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

#### School Anti-Bullying Specialist

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

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

#### School Safety Team

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

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

The school safety team shall:

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

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

- A. Receive complaints of harassment, intimidation or bullying of students that have been reported to the principal;

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

Investigating Reported Harassment, Intimidation and Bullying

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

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  - 1. Taking of statements from victims, witnesses and accused;
  - 2. Careful examination of the facts;
  - 3. Support for the victim; and
  - 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the chief school administrator within two school days of the completion of the investigation, and in accordance with law and board policy. The chief school administrator may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the Garwood Board of Education no later than the date of the next board meeting following the completion of the investigation, and include:
  - 1. Any services provided;
  - 2. Training established;
  - 3. Discipline imposed; or
  - 4. Other action taken or recommended by the chief school administrator.
- F. The chief school administrator or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
  - 1. The nature of the investigation;
  - 2. Whether the district found evidence of harassment, intimidation, or bullying; or

3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

Range of Ways to Respond to Harassment, Intimidation or Bullying

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

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

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

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

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

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

### Retaliation and Reprisal Prohibited

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

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

#### A. Students

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

#### B. School Employees

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

#### C. Garwood Board of Education Members

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

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

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

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

#### A. Consequences

1. Admonishment;
2. Temporary removal from the classroom or school;

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

B. Remedial Measures

1. Personal
  - a. Restitution and restoration;
  - b. Mediation;
  - c. Peer support group;
  - d. Recommendations of a student behavior or ethics council;
  - e. Corrective instruction or other relevant learning or service experience;
  - f. Supportive student interventions, including participation of the intervention and referral services team;
  - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
  - h. Behavioral management plan, with benchmarks that are closely monitored;
  - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
  - j. Involvement of school disciplinarian;
  - k. Counseling;
  - l. Conferences;
  - m. Treatment; or
  - n. Therapy.
2. Environmental (Classroom, School Building or School District)
  - a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
  - b. School culture change;
  - c. School climate improvement;
  - d. Adoption of research-based, systemic bullying prevention programs;
  - e. School policy and procedures revisions;
  - f. Modifications of schedules;
  - g. Supervision;
  - h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
  - i. General professional development programs for certificated and non-certificated staff;
  - j. Professional development plans for involved staff;
  - k. Disciplinary action;
  - l. Supportive institutional interventions, including participation of the intervention and referral services team;



- m. Conferences;
- n. Counseling

#### Appeal Process

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

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

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

#### Week of Respect

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

#### Training

##### A. School Leaders

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

##### B. Teaching Staff Development

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

##### C. Garwood Board of Education Members

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

D. Staff, Student and Volunteer Training

The school district shall:

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

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

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

Reporting to the Board

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

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

Reporting to the Department of Education

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

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

B. Data broken down by each school in the district, in addition to district-wide data.

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

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

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

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

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

#### Program Assessment and Review

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

#### Policy Development and Review

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

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

### Publication, Dissemination and Implementation

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

The chief school administrator shall take the following steps to publicize this policy:

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

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

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

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

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

Dated: August 16, 2011

Revised: March 15, 2016

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

N.J.S.A. 10:5-1 et seq. Law Against Discrimination

N.J.S.A. 18A:6-112 Instruction on suicide prevention for public school teaching staff

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

N.J.S.A. 18A:12-33 Training program; requirements

N.J.S.A. 18A:17-46 Reporting of certain acts by school employee; annual report; public hearing (acts of violence)

N.J.S.A. 18A:25-2 Authority over pupils

N.J.S.A. 18A:26-8.2 School leader defined; training as part of professional development

N.J.S.A. 18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; non-liability

N.J.S.A. 18A:36-19a Student records (Newly enrolled students; transfers of records, identification)

N.J.S.A. 18A:37-1 et seq. Submission of Pupils to Authority (Discipline)

N.J.S.A. 18A:37-13 et seq. Anti-Bullying Bill of Rights Act

See particularly:

N.J.S.A. 18A:37-14, -15, -17 Harassment, intimidation, and bullying

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

N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions (students with disabilities)

N.J.A.C. 6A:16-1.1 et seq. Programs to support student development (includes student conduct code)

See particularly:

N.J.A.C. 6A:16-1.4, -7.1, -7.6, -7.9

N.J.A.C. 6A:32-12.1 Reporting requirements

N.J.A.C. 6A:32-12.2 School-level planning

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

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

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

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

VANDALISM/VIOLENCE

Vandalism

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

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

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

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

Violence

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

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

pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Garwood Board of Education.

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

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

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

#### Threats of Violence

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

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

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

#### Unsafe School Choice Option

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

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

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

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

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

#### School Violence Awareness Week

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

#### Violence and Vandalism Reporting

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

#### Implementation

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

Date: March 15, 2016

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



N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.4, -5.1, -5.2, -5.3, -5.5, -5.6, -5.7, -6.1

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

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

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

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

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

DRUGS, ALCOHOL, STEROIDS, TOBACCO  
(Substance Abuse)

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

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

Drugs, Alcohol, Steroids

A. Students

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

1. The Garwood Board of Education prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the Garwood Board of Education. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Pupils suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners

and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol, or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Pupils suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation (N.J.S.A. 18A:40A-10). Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the board's expense.

2. The Garwood Board of Education directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. Pursuant to N.J.S.A. 18A:40A-16 the district shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the district on school premises or other facilities.

B. Law Enforcement for Drugs and Alcohol

1. Enforcement of Drug-Free School Zones

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

2. Law Enforcement Liaison

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

3. Undercover Operations

The Garwood Board of Education hereby recognizes that the chief school administrator may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The Garwood Board of Education

hereby authorizes the chief school administrator to request such intervention under these circumstances. The Garwood Board of Education recognizes that the chief school administrator is not permitted to ask the Garwood Board of Education's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

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

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

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

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

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

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

5. Student Searches and Securing Physical Evidence

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

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

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

6. Police Presence at Extracurricular Activities

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

7. Resolving Disputes Concerning Law Enforcement Activities

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

8. Confidentiality of Pupil Involvement in Intervention and Treatment Programs

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

Tobacco

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

A. Tobacco Use and Possession

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

B. Definition of Tobacco Products, Tobacco Use, and Electronic Smoking Device

For the purposes of this policy:

1. "Tobacco product" is defined to include but is not limited to cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products (excluding quit products);
2. "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products;
3. "Electronic smoking device" means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

C. Signage

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

D. Compliance for Students

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

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

E. Compliance for Faculty, Staff, and Visitors

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

F. Opportunities for Cessation

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

G. Prevention Education

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

H. Procedures for Implementation

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

Ongoing Implementation of this Policy

A. Prevention Education for Students

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

B. Faculty Education and Inservice Training

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

C. Annual Review and Distribution of Policy

The Garwood Board of Education will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the Garwood Board of Education will consult with the



executive county superintendent, local community members, and the county prosecutor's office.

In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to pupils and their parents/guardians at the beginning of each school year. Garwood Board of Education policy and procedures shall be disseminated annually to all school staff, students and parents through the district website or other means (N.J.A.C. 6A:16-4.2).

#### D. Administrative Regulations

The chief school administrator may develop administrative regulations for:

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

#### E. Reporting and Liability

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

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

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

#### F. Confidentiality Requirements

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

## G. Parental Compliance

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

### Optional Random Drug Testing of High School Students

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

Adopted: March 16, 1993

Revised: May 15, 2001

Revised: May 17, 2005

Revised: March 15, 2016

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

#### See particularly:

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

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

N.J.S.A. 9:6-1 et seq. Abuse abandonment, cruelty, and neglect of child; what constitutes

N.J.S.A. 9:17A-4 Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality

N.J.S.A. 18A:25-2 Authority over pupils  
N.J.S.A. 18A:36-19.2 Student locker or other storage facility; inspections; notice to students  
N.J.S.A. 18A:37-1 Submission of pupils to authority  
N.J.S.A. 18A:37-2 Causes for suspension or expulsion of pupils  
N.J.S.A. 18A:38-25 Attendance required of children between six and sixteen, exceptions  
N.J.S.A. 18A:38-31 Violation of article by parents or guardian, penalties  
N.J.S.A. 18A:40A-1 et seq. Substance abuse  
See particularly:  
N.J.S.A. 18A:40A-1, -2, -3, -4, -5, and -9 to -25  
N.J.S.A. 24:21-2 Definitions (New Jersey controlled dangerous substances)  
N.J.S.A. 26:3D-55 et seq.  
New Jersey Smoke-Free Air Act P.L. 2005, c. 209 Random student drug testing  
N.J.A.C. 6A:8-3.1 Curriculum and instruction  
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly:  
N.J.A.C. 6A:16-4.4 Voluntary policy for random testing of student alcohol or other drug use.  
See also:  
N.J.A.C. 6A:16-1.3, -1.4, -2.2, -2.4, -3.1, -3.2, -4.1 through -4.3, -5.3, 6.1 -6.5  
N.J.A.C. 6A:32-13.1 et seq. Pupil Behavior  
Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308  
Regulations Under Drug Free Workplace Act, C.F.R. 4946 (1/31/89)  
42 CFR Part 2--Confidentiality of alcohol and drug abuse patient records  
F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382  
G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et al., 1987 S.L.D. April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2  
State in the Interest of T.L.O. 94 N.J. 331 (1983), Rev'd, 469 U.S. 325 (1985)  
State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).  
Honig v. Doe 484 U.S. 305 (1988)  
Vernonia School District v. Acton, 515 U.S. 646 (1995)  
In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002)  
Board of Education of Independent School District No. 92 of

Pottawatomie County et al. v. Earls et al., 536 U.S. \_\_\_\_\_ (2002)  
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301  
et seq.  
The New Jersey School Search Policy Manual, New Jersey Attorney  
General (1998)  
A Uniform State Memorandum of Agreement Between Education and  
Law Enforcement Officials

WEAPONS AND DANGEROUS INSTRUMENTS

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

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

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

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

A student found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the principal/designee immediately.

The principal shall immediately inform the chief school administrator/designee and appropriate law enforcement officials with all known information concerning the matter, including the identity of the pupil involved.

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

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

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

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

#### Remotely Activated Paging Devices (Beepers)

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

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

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

#### Implementation

The Garwood Board of Education directs the chief school administrator to develop regulations to implement this policy.

Date: May 18, 1993

Revised: December 17, 1996

Revised: September 16, 2008

Revised: March 15, 2016

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

N.J.S.A. 2C:12-1 Definition of assault

N.J.S.A. 2C:33-19 Paging devices, possession by students

N.J.S.A. 2C:39-1 Definitions

N.J.S.A. 2C:39-5 Unlawful possession of weapons

N.J.S.A. 2C:39-6 Exemptions

N.J.S.A. 18A:6-1 Corporal punishment of pupils

N.J.S.A. 18A:36-19.2 Student locker or other storage facility; inspections; notice to students

N.J.S.A. 18A:37-1 Submission of pupils to authority

N.J.S.A. 18A:37-2 Causes for suspension or expulsion of pupils

N.J.S.A. 18A:37-2.1 through –2.5 Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings

N.J.S.A. 18A:37-7 through –12 Zero Tolerance for Guns Act

N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion

N.J.A.C. 6A:16-1.1et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.3, -1.4, -5.2, -5.4, -5.5, -5.6, -6.1, -6.2, -6.3(b),

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

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

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

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

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

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

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

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

MARRIED/PREGNANT PUPILS

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

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

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

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

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

Date: December 17, 1974

Revised: August 21, 2007

Revised: April 19, 2016

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

See particularly:

N.J.A.C. 6A:7-1.4,-1.7

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972  
The Comprehensive Equity Plan, New Jersey State Department of  
Education



FUND-RAISING ACTIVITIES

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

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

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

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

The Garwood Board of Education prohibits fundraising activities by school-sponsored groups or outside organizations that encourage or require door-to-door solicitation.

Date: September 16, 2008

Revised: April 19, 2016

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:19-14 Funds derived from pupil activities  
N.J.S.A. 18A:20-34 Use of schoolhouse and grounds for various purposes  
N.J.S.A. 18A:23-1 Audit when and how made  
N.J.S.A. 18A:23-2 Scope of audit  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.S.A. 52:14-15.9c1. et al. Public Employee Charitable Fund-Raising Act

N.J.A.C. 6A:23A-16.1 et seq. Double entry bookkeeping and GAAP accounting in local school districts

N.J.A.C. 6A:23A-16.12 Student activity funds

N.J.A.C. 6A:23A-16.13 School store business practices

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

HEALTH

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

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

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

#### Annual Nursing Plan

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

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

#### Students with Diabetes

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

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

Accordingly, a parent or guardian of a student with diabetes shall inform the school nurse, who shall develop an individualized health care plan and an individualized emergency health care plan for the student. Further, the parent or guardian must annually provide to the

Garwood Board of Education written authorization for the provision of diabetes care as outlined in the plans, including authorization for the emergency administration of glucagon.

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

- A. The symptoms of hypoglycemia for that particular student and the recommended treatment;
- B. The symptoms of hyperglycemia for that particular student and the recommended treatment;
- C. The frequency of blood glucose testing;
- D. Written orders from the student's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
- E. Times of meals and snacks and indications for additional snacks for exercise;
- F. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;
- G. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
- H. Education of all school personnel who may come in contact with the student about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
- I. Medical and treatment issues that may affect the educational process of the student with diabetes; and
- J. How to maintain communications with the student, the student's parent or guardian and healthcare team, the school nurse, and the educational staff.

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

The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the Garwood Board of Education, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be

authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.

Upon written request of the parent or guardian and as provided in the individualized health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom, on school grounds or at any school-related activity, if evaluated and determined to be capable of doing so consistent with the plan. The student's management and care of his/her diabetes shall include the following:

- A. Performing blood glucose level checks;
- B. Administering insulin through the insulin delivery system the student uses;
- C. Treating hypoglycemia and hyperglycemia;
- D. Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes;
- E. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individual health care plan; and
- F. Otherwise attending to the management and care of the student's diabetes.

#### Nonpublic School Pupils

The Garwood Board of Education shall provide mandated nursing services to nonpublic school pupils as required by law. See policy #5200.

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

#### New Jersey Family Care

The school nurse shall ensure that the parents/guardians of students who are without medical coverage are notified of and provided information on the accessibility of the New Jersey Family Care Program in accordance with N.J.S.A. 18A:40-34.

#### Automated External Defibrillator (AED)

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

- A. Is unconscious
- B. Is not breathing

- C. Has no signs of circulation (as confirmed by a pulse check)

Only those staff members documented as having completed the required training are authorized to use an AED. A coach, athletic trainer, or in the absence of the coach or athletic trainer and other designated staff member, who is appropriately trained and certified in the use of the AED shall be present during athletic events or team practices. In the event that no appropriately AED trained and certified staff person can be present at athletic events or team practices, the district shall ensure that a State-certified emergency services provider or other certified first responder is on site at the event or practice.

#### Placement, Accessibility and Maintenance of the AED

The AED shall be:

- A. Available in an unlocked location on school property with an appropriate identifying sign;
- B. Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which pupils of the district or nonpublic school are participating;
- C. Within reasonable proximity of the school athletic field or gymnasium, as applicable;
- D. Tested and maintained according to the manufacturer's operational guidelines and notification shall be provided to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location in accordance with section 3 of P.L.1999, c.34 (N.J.S.A. 2A:62A-25).

#### Implementation of Procedures for Cardio-Pulmonary Resuscitation and AED Use

The chief school administrator shall oversee the development and implementation of a district emergency action plan that establishes guidelines for use of the AED. The emergency action plan shall include:

- A. A list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health, in cardio-pulmonary resuscitation and in the use of a defibrillator. The list shall be updated, as necessary, at least once in each semester of the school year; and
- B. Detailed procedures on responding to a sudden cardiac event including, but not limited to, the identification of the persons in the school who will be responsible for: responding to the person experiencing the sudden cardiac event, calling 911, starting cardio-pulmonary resuscitation, retrieving and using the defibrillator, and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

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

## Immunity

A school district and its employees shall be immune from civil liability in the acquisition and use of defibrillators pursuant to the provisions of section 5 of P.L.1999, c.34 (C.2A:62A-27). A person who acts with gross negligence or willful misconduct in the use of defibrillators does not enjoy immunity.

Adopted: July 12, 2001

Revised: November 16, 2010

Revised: April 19, 2016

Legal References: N.J.S.A. 2A:62A-23 to 27 AED emergency medical services  
N.J.S.A. 18A:16-6, -6.1 Indemnity of officers and employees against civil actions.  
N.J.S.A. 18A:35-4.6 et seq. Parents Right to Conscience Act of 1979  
N.J.S.A. 18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules  
N.J.S.A. 18A:40-3 Lectures to teachers  
N.J.S.A. 18A:40-4.3 Scoliosis; periodic examination; notice to parents or guardian  
N.J.S.A. 18A:40-5 Method of examination; notice to parent or guardian  
N.J.S.A. 18A:40-6 In general  
N.J.S.A. 18A:40-7, -8, -10, -11 Exclusion of pupils who are ill.  
N.J.S.A. 18A:40-12.11 et seq. Students with diabetes  
N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Pupils  
N.J.S.A. 18A:40-34 Regulations adopted by Commissioner of Education relative to children's health care coverage  
N.J.S.A. 18A:40-41a Schools required to have an AED  
N.J.S.A. 18A:40-41b Emergency action plan (AED)  
N.J.S.A. 18A:40A-1 et seq. Substance Abuse  
N.J.S.A. 44:6-2 Maintenance by boards of education of clinics for indigent children  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly:  
N.J.A.C. 6A:16-1.1, -1.3, -1.4, -2.1, -2.3, -2.4  
N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of School  
See particularly: Facilities  
N.J.A.C. 6A:26-12.3  
N.J.A.C. 8:57-1.1 et seq. Reportable Communicable Diseases  
See particularly:  
N.J.A.C. 8:57-2 Reporting of AIDS and HIV  
N.J.A.C. 8:61-1.1 Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)



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

### ACCIDENTS

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

#### Guidelines for Dealing with Accident/Injury

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

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

#### Emergency Medical Procedures for Sports/Athletics

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

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

The Garwood Board of Education directs the chief school administrator to report on the effectiveness of the emergency medical procedures to the Garwood Board of Education annually for its review.

Date: July 12, 2001

Revised: February 16, 2010

Revised: April 19, 2016

Legal References: N.J.S.A. 18A:11-3 Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals  
N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions  
N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal actions  
N.J.S.A. 18A:40-25 Boards of education to provide nursing care to students in nonpublic schools  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly:  
N.J.A.C. 6A:16-1.4, -2.1, -2.3, -2.4  
N.J.A.C. 6A:26-12.2(a)2iii Policies and procedures for school facility operation  
N.J.A.C. 6A:27-12.2 Accident reporting  
N.J.A.C. 6A:32-9.1 et seq. Athletics Procedures  
N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection  
HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools, SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

### ILLNESS

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

#### Control of Contagious Diseases or Conditions

In order to protect the health of the pupils in our schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious or infectious diseases or conditions. Pupils who have been absent because of contagious or infectious diseases or conditions must present a certificate of recovery from a licensed physician or be examined by the medical inspector.

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

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

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

#### Handling Blood and Body Fluids

The chief school administrator and medical inspector shall develop detailed routine procedures based on New Jersey administrative code and guidelines from the Centers for

Disease Control for proper handling of blood and body fluids resulting from illness/accidents in the schools. These procedures shall be disseminated to all district staff and volunteers.

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

Adopted: July 12, 2001

Revised: July 19, 2005

Revised: April 19, 2016

Legal References: N.J.S.A. 18A:16-6 Indemnity of officers and employees against civil actions  
N.J.S.A. 18A:16-6.1 Indemnity of officers and employees in certain criminal actions  
N.J.S.A. 18A:40-3 Lectures to teachers  
N.J.S.A. 18A:40-7 Exclusion of pupils who are ill  
N.J.S.A. 18A:40-8 Exclusion of pupils whose presence is detrimental to health and cleanliness  
N.J.S.A. 18A:40-10 Exclusion of teachers and pupils exposed to disease  
N.J.S.A. 18A:40-11 Exclusion of pupils having communicable tuberculosis  
N.J.S.A. 18A:40-12 Closing schools during epidemic  
N.J.S.A. 18A:40-25 Boards of education to provide nursing care to students in nonpublic schools  
N.J.S.A. 26:4-6 Prohibiting attendance of teachers or pupils  
N.J.S.A. 26:4-15 Reporting of communicable diseases by physicians  
N.J.S.A. 26:5C-1 et seq. AIDS Assistance Act  
N.J.S.A. 26:2T-1 Newly diagnosed Hepatitis C case; information, reports  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly:  
N.J.A.C. 6A:16-1.3, -1.4, -2.1 et seq.  
N.J.A.C. 8:57-1.1 et seq. Reportable Communicable Diseases  
See particularly:  
N.J.A.C. 8:57-1.3, -1.7, -2  
N.J.A.C. 8:61-1.1 Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)  
Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

HEALTH EXAMINATIONS AND IMMUNIZATIONS

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

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

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

In order to protect the health of the children and staff in district schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases or conditions.

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

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

Adopted: July 12, 2001  
Revised: April 19, 2016

Legal References: N.J.S.A. 18A:35-4.6 through -4.8 Parents Right to Conscience Act of 1979

N.J.S.A. 18A:40-4 Examination for physical defects and screening of hearing of pupils; health records

N.J.S.A. 18A:40-4.3 Scoliosis; periodic examination; notice to parents or guardian

N.J.S.A. 18A:40-4.4 Exemption

N.J.S.A. 18A:40-4.5 Immunity from action of any kind due to provisions of act

N.J.S.A. 18A:40-5 Method of examination; notice to parent or guardian

N.J.S.A. 18A:40-6 In general

N.J.S.A. 18A:40-11 Exclusion of pupils having communicable tuberculosis

N.J.S.A. 18A:40-16 through -19 Tuberculosis infection; determination of presence ...

N.J.S.A. 18A:40-20 Immunization at public expense

N.J.S.A. 18A:61D-8 through -10 Findings, declarations relative to Hepatitis B vaccinations

N.J.S.A. 26:1A-9.1 Exemption of pupils from mandatory immunizations

N.J.S.A. 26:4-6 Prohibiting attendance of teachers or pupils

N.J.S.A. 26:2T-5 through -9 Findings, declarations relative to Hepatitis C

N.J.A.C. 6A:14-3.4 Evaluation

N.J.A.C. 6A:16-1.1et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.3, -1.4, -2.1, -2.2, -2.3, -2.4, -4.1, -4.3

N.J.A.C. 6A:32-9.1 Athletics Procedures

N.J.A.C. 8:57-2 Reporting of acquired immunodeficiency syndrome and infection with Human Immunodeficiency Virus

N.J.A.C. 8:57-4.1 Applicability

N.J.A.C. 8:57-4.2 Proof of immunization

N.J.A.C. 8:57-4.3 Medical exemptions

N.J.A.C. 8:57-4.4 Religious exemptions

N.J.A.C. 8:57-4.5 Provisional admission

N.J.A.C. 8:57-4.6 Documents accepted as evidence of immunization

N.J.A.C. 8:57-4.7 Records required

N.J.A.C. 8:57-4.8 Reports to be sent to the State Department of Health

N.J.A.C. 8:57-4.9 Records available for inspection

N.J.A.C. 8:57-4.10 Diphtheria and tetanus toxoids and pertussis vaccine

N.J.A.C. 8:57-4.11 Poliovirus vaccine

N.J.A.C. 8:57-4.12 Measles virus vaccine

N.J.A.C. 8:57-4.13 Rubella vaccine

N.J.A.C. 8:57-4.14 Mumps vaccine

N.J.A.C. 8:57-4.15 Haemophilus influenza type b (Hib) conjugate vaccine

N.J.A.C. 8:57-4.16 Hepatitis B virus vaccine

N.J.A.C. 8:57-4.17 Varicella virus vaccine

N.J.A.C. 8:57-4.18 Pneumococcal conjugate vaccine

N.J.A.C. 8:57-4.19 Influenza vaccine

N.J.A.C. 8:57-4.20 Meningococcal vaccine

N.J.A.C. 8:57-4.21 Providing immunization

N.J.A.C. 8:57-4.22 Emergency power of the Commissioner, Department of Health and Senior Services

N.J.A.C. 8:61-2.1 Attendance at school by pupils or adults infected by Human Immuno-deficiency Virus (HIV)

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

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



CHILD ABUSE AND NEGLECT

The Garwood Board of Education believes that a child's physical and mental well-being must be maintained as a prerequisite to achievement through the formal educational process. The Garwood Board of Education therefore believes that it is important to identify and investigate suspected child abuse or neglect immediately. The school district will cooperate with the New Jersey Child Protection and Permanency (DCP&P) in identifying and reporting all such cases, whether institutional or noninstitutional. The chief school administrator/designee shall act as liaison between DCP&P and the district. The liaison shall facilitate communication and cooperation between the district and DCP&P and act as primary contact between the schools and DCP&P.

The Garwood Board of Education directs the chief school administrator/designee to gather, maintain, secure and make available to DCP&P the relevant confidential district records of any pupil alleged either by school personnel DCP&P to be the victim of abuse or neglect as defined by law. The Garwood Board of Education also directs the chief school administrator or his or her designee to cooperate with DCP&P in scheduling interviews with any employee, volunteer or pupil who may have information relevant to an investigation of child abuse.

In order to increase school employees' and volunteers' awareness of the symptoms of child abuse and neglect and cause them to be better informed on all aspects of abuse and neglect, the Garwood Board of Education directs the chief school administrator to provide information and inservice training on the subject to all school employees and volunteers.

The chief school administrator is therefore directed to develop procedures for compliance with statutory requirements that child abuse and neglect be reported. All procedures as well as this policy shall be reviewed by the executive county superintendent. Procedures shall:

- A. Impress on all staff members and volunteers having contact with pupils of their responsibility to report directly and immediately to DCP&P all cases of suspected abuse, abandonment, cruelty or neglect resulting in physical or mental injury, and the penalties for failing to do so. Point out that institutional abuse--abuse alleged to have taken place in the school or other institutional setting by paid school staff or a volunteer--must be reported on the same basis as noninstitutional abuse. Information reported shall include the name, age, and grade of the child, as well as the name and address of the child's parents/guardians. The report shall also include a description of the child's condition, nature and extent of his/her possible injuries, and any other information pertinent to the child abuse or neglect or identification of the suspected perpetrator;
- B. Require all school personnel and volunteers to report suspected instances of child abuse or neglect to the building principal after reporting to DCP&P, unless the reporting

personnel believes that he/she may be endangering the welfare of the child or himself/herself or causing retaliation or discrimination against the child or himself/herself by such notice to the building principal;

- C. Provide for the annual delivery of information and inservice training to all school staff members and volunteers concerning child abuse and neglect. This shall include instruction on child abuse and neglect identification and reporting procedures;
- D. Provide for the delivery of information and inservice training to all new school district employees, both paid and voluntary, as part of their orientation;
- E. Require prompt action to facilitate treatment options for the children injured by abuse or neglect in order to protect their health and wellbeing;
- F. Provide for cooperation with DCP&P in scheduling interviews with any school personnel or volunteers who may have information relevant to the investigation;
- G. Provide for DCP&P investigators to interview alleged victims in the presence of the school principal, his/her designee, or any staff member with whom the child is comfortable;
- H. Permit DCP&P to remove pupils from school during the course of the school day when it is necessary to protect the child or take the child to a service provider. Removal shall take place when the principal is provided, either in advance or at the time removal is sought, with appropriate authorization as specified in N.J.S.A. 9:6-8.27 through -8.30;
- I. Require that a report of each case of unexplained absence which might be a cause of child abuse or neglect be reported to DCP&P as the law provides, and to other appropriate school staff;
- J. Require that appropriate school staff be assigned as a liaison to facilitate communication and cooperation, and act as the primary contact between the district and DCP&P in order to ensure continuance of shared information and training development;
- K. Release all pupil records of the child(ren) under investigation that are deemed relevant and maintain, secure and release all confidential information about child abuse cases, according to law;
- L. Fulfill other procedural requirements of the law pertaining to district response to child abuse, neglect and missing children.

The Garwood Board of Education assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect.

Due process rights will be provided to school personnel or volunteers who have been reassigned or suspended as a result of an accusation of child abuse or neglect. Temporary reassignment or suspension of school personnel or volunteers alleged to have committed an act of child abuse or neglect shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child.

All references to a report of child abuse or neglect against school personnel shall be removed from employee personnel records immediately following the receipt of an official notice from DCP&P that such allegations were unfounded.

Date: November, 1989

Revised: January 20, 2009

Revised: April 19, 2016

Legal References: N.J.S.A. 9:6-1 et seq. Abuse, abandonment, cruelty and neglect of child; what constitutes

See particularly:

N.J.S.A. 9:6-3.1; -8.9 through -8.14; -8.21; -8.27 through -8.30; -8.34 through -8.36; -8.40; -8.46; -8.56

N.J.S.A. 18A:6-7a, -10, -11, to -13, -14, -18.1, -30, -30.1 Removal from personnel files of reference complaint of child abuse or neglect determined to be unfounded

N.J.S.A. 18A:25-1 Transfer of teaching staff members

N.J.S.A. 18A:25-6, -7 Suspension of assistant superintendents, principals and teachers...

N.J.S.A. 18A:36-19 Pupil records; creation; maintenance and retention, security and access; regulations; nonliability

N.J.S.A. 18A:36-19a Newly enrolled students; records and identification

N.J.S.A. 18A:36-24 et seq. Missing children; legislative findings and declarations

N.J.S.A. 52:17B-9.8a et seq. Marking of missing child's school record

N.J.A.C. 6A:16-1.4(a)21 District policies and procedures

N.J.A.C. 6A:16-11.1 Reporting potentially missing or abused children

N.J.A.C. 6A:32-7.1 et seq. Student conduct

See particularly:

N.J.A.C. 6A:32-7.10 Student records

SPORTS RELATED CONCUSSION AND HEAD INJURY

A concussion is a traumatic brain injury (TBI) caused by a direct or indirect blow to the head or body.

Requirements

- A. A student who participates in interscholastic athletics, which for the purpose of this policy includes cheerleading, and who sustains or is suspected of sustaining a concussion or other head injury shall be immediately removed from the competition or practice. Student athletes inclusive of cheerleaders may not return to play until they obtain medical clearance in compliance with local school district return-to-play policy;
- B. All coaches, school nurses, school/team physicians and certified athletic trainers must complete an interscholastic head injury training program such as the National Federation of State High School Associations online “Concussion in Sports” training program or a comparable program that meets mandated criteria;
- C. The district shall monitor school district employees in the completion of an interscholastic head injury training program;
- D. The athletic head injury training program must include:
  - 1. The recognition of the symptoms of head and neck injuries, concussions, and injuries related to second impact syndrome; and
  - 2. A description of the need for appropriate time to delay the return to sports competition or practice of a student–athlete who has sustained a concussion or other head injury, but if no additional time is specified for a particular age-group or sport, the student-athlete may return when written medical clearance is given to the student-athlete stating that he/she is asymptomatic, and the student-athlete has completed an appropriate graduated individualized return-to-play protocol.
- E. Distribution of NJ Department of Education Concussion and Head Injury fact sheet to every student-athlete who participates in interscholastic sports and his or her parents. Each district must obtain a signed acknowledgement of the receipt of the fact sheet by the student-athlete’s parent/guardian and keep on file for future reference.

Required Concussion Protocol

- A. A student-athlete who is suspected of sustaining a sports related concussion or other head injury during competition or practice shall be immediately removed from play and may not return-to-play that day;
- B. Possible signs and symptoms of concussion:
  - 1. Signs (could be observed by coaches, athletic trainer, school/team physician, school nurse):

- a. Appears dazed, stunned, or disoriented;
  - b. Forgets plays, or demonstrates short term memory difficulty;
  - c. Exhibits difficulties with balance or coordination;
  - d. Answers questions slowly or inaccurately;
  - e. Loses consciousness;
2. Symptoms (reported by the student-athlete to coaches, athletic trainer, school/team physician, school nurse, parent/guardian):
- a. Headache;
  - b. Nausea/vomiting;
  - c. Balance problems or dizziness;
  - d. Double vision or changes in vision;
  - e. Sensitivity to light or sound/noise;
  - f. Feeling sluggish or foggy;
  - g. Difficulty with concentration and short term memory;
  - h. Sleep disturbance.
- C. To return to competition and practice the student-athlete must follow the protocol:
1. Immediate removal from competition or practice;
  2. School personnel (athletic trainer, school nurse, coach, etc.) should make contact with the student-athlete's parent/guardian and inform them of the suspected sports related concussion or head injury;
  3. School personnel (athletic trainer, school nurse, coach, etc.) shall provide the student-athlete with approved information/medical checklist to provide to their parent/guardian and physician or other licensed healthcare professional;
  4. The student-athlete must receive written clearance from their physician that the student is asymptomatic and may begin the graduated return-to-play protocol. School personnel (athletic trainer, school nurse, coach, etc.) may consult with the school/team physician after medical clearance is given from the student-athlete's physician.

#### Graduated Return to Competition and Practice Protocol

- A. After written medical clearance is given to the student-athlete stating that they are asymptomatic, the student-athlete may begin a graduated individualized return-to-play protocol such as:
1. Step 1: No activity, complete physical and cognitive rest. The objective of this step is recovery;
  2. Step 2: Light aerobic exercise, which includes walking, swimming, or stationary cycling, keeping the intensity less than 70% maximum percentage heart rate: no resistance training. The objective of this step is increased heart rate;
  3. Step 3: Sport-specific exercise including skating, and/or running; no head impact activities. The objective of this step is to add movement;
  4. Step 4: Non-contact training drills (e.g. passing drills). The student-athlete may initiate progressive resistance training;
  5. Step 5: Following medical clearance (consultation between school personnel and student athlete's physician), participation in normal training activities. The objective of this step is to restore confidence and assess functional skills by the coaching staff;

6. Step 6: Return to play involving normal exertion or game activity.
- B. Symptom checklists, baseline testing and balance testing may be utilized;
- C. If the student-athlete exhibits a re-emergence of any post concussion signs or symptoms once he or she returns-to-play, they will be removed from exertional activities and returned to their school/team physician or primary care physician;
- D. If concussion symptoms reoccur during the graduated return-to-play protocol, the student-athlete will return to the previous level of activity that caused no symptoms.

#### Temporary Accommodations for Student-Athletes with Sports Related Head Injuries

- A. Consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports related concussions and head injuries;
- B. Mental exertion increases the symptoms from concussions, and affects recovery;
- C. To recover, cognitive rest is just as important as physical rest. Reading, studying, testing, texting – even watching movies if a student is sensitive to light – can slow down a student’s recovery;
- D. In accordance with the Centers for Disease Control and Prevention toolkit on managing concussions, the board of education may look to address the students’ cognitive needs in the following ways;
- E. Students who return to school after a concussion may need to:
  1. Take rest breaks as needed, including physical education;
  2. Spend fewer hours at school;
  3. Be given more time to take tests or complete assignments;
  4. Receive help with schoolwork;
  5. Reduce time spent on the computer, reading, and writing;
  6. Be granted early dismissal from classes to avoid crowded hallways.

#### Annual Review

This policy shall be reviewed annually, and updated as necessary to ensure that it reflects the most current information available on the prevention, risk, and treatment of sports-related concussions and other head injuries.

Date: June 25, 2015

Legal References: N.J.S.A. 18A:16-6, -6.1 Indemnity of officers and employees against civil actions  
N.J.S.A. 18A:35-4.6 et seq. Parents Right to Conscience Act of 1979  
N.J.S.A. 18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules  
N.J.S.A. 18A:40-3 Lectures to teachers  
N.J.S.A. 18A:40-5 Method of examination; notice to parent or guardian  
N.J.S.A. 18A:40-6 In general  
N.J.S.A. 18A:40-7, -8, -10, -11 Exclusion of students who are ill  
N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Students

N.J.S.A. 18A:40-41.4 Removal of student athlete from competition,  
practice; return

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.1, -1.3, -2.1, -2.3, -2.4

N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of School  
Facilities

See particularly:

N.J.A.C. 6A:26-12.3

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

ADMINISTERING MEDICATION

The Garwood Board of Education shall not be responsible for the diagnosis and treatment of student illness. The administration of medication to a student during school hours will be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours.

For purposes of this policy, "medication" shall include all medicines prescribed by a physician for the particular student, including emergency medication in the event of bee stings, medication for asthma, diabetes or other medical diagnosis requiring medication during the school day, and all non-prescription "over the counter" medication (see policy 5141).

Before any medication may be administered to or by any student during school hours, the Garwood Board of Education shall require the written request of the parent/guardian which shall give permission for such administration and relieve the Garwood Board of Education and its employees of liability for administration of medication. In addition, the Garwood Board of Education requires the written order of the prescribing physician which shall include:

- A. The purpose of the medication;
- B. The dosage;
- C. The time at which or the special circumstances under which medication shall be administered;
- D. The length of time for which medication is prescribed;
- E. The possible side effects of the medication.

Both documents shall be kept on file in the office of the school nurse.

The district medical inspector shall develop procedures for the administration of medication which provide that:

- A. All medications, whether prescribed or "over the counter", shall be administered by the medical inspector, school nurse or substitute school nurse, the parent/guardian or the student himself/herself where the parent/guardian so permits and with the school nurse present;
- B. Medications shall be securely stored and kept in the original labeled container;
- C. The school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication and a notation of each instance of administration;



- D. All medications shall be brought to school by the parent/guardian or adult student and shall be picked up at the end of the school year or the end of the period of medication, whichever is earlier;
- E. A student may self-administer medication without supervision of the school nurse for asthma or other life-threatening illnesses. "Life-threatening illness" has been defined as an illness or condition that requires an immediate response to specific symptoms or sequelae that if left untreated may lead to potential loss of life such as, but not limited to, the use of an inhaler to treat an asthma attack or the use of an adrenalin injection to treat a potential anaphylactic reaction.

#### Nebulizers

Each school in the district shall have and maintain at least one nebulizer in the office of the school nurse or at a similar accessible location. The chief school administrator shall prepare and the Garwood Board of Education shall adopt regulations on the administration of asthma medication through the use of a nebulizer by the school nurse or his/her designee(s).

Regulations shall be in accord with New Jersey statute and administrative code and shall include, but not be limited to, the following:

- A. Requirement that each school nurse shall be authorized to administer asthma medication through use of a nebulizer;
- B. Requirement that each school nurse receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards;
- C. Requirement that each student authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the student's physician that identifies, at a minimum, asthma triggers and an individualized health care plan for meeting the medical needs of the student while attending school or a school-sponsored event.

#### Student Self-Administration of Medication

The Garwood Board of Education shall permit self-administration of medication for asthma, diabetes or other potentially life-threatening illnesses by students who have the capability for self-administration of medication, both on school premises during regular school hours and off-site or after regular school hours when a student is participating in field trips or extracurricular activities. Parents/guardians of the student must meet the following conditions:

- A. Provide the Garwood Board of Education with written authorization for the student's self-administration of medication;
- B. Provide written certification from the student's physician that the student has asthma or another potentially life-threatening illness and is capable of and has been instructed in the proper method of self-administration of medication;
- C. Sign a statement acknowledging that the district shall incur no liability as a result of any injury arising from the self-administration of medication by the student and that the parents/guardians shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the self-administration of medication by the student.

The board shall:

- A. Inform the student and his/her parents/guardians that permission is effective for the school year for which it is granted and must be renewed for each subsequent school year upon fulfillment of requirements listed above;
- B. Inform parents/guardians in writing that the district and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication; and
- C. Maintain the right to revoke a student's permission to self-medicate if he/she has failed to comply with all conditions of this policy and/or has violated in any way the tenets of the agreement to self-medicate.

The chief school administrator shall confer with the school physician and school nurse prior to recommending termination of a student's permission to self-medicate and shall also consult with the student, the student's parents/guardians and the student's physician.

Upon written request of the parent or guardian and as provided in the individual health care plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom or on school grounds, if evaluated and determined to be capable of doing so consistent with the plan, and N.J.S.A. 18A:40-12.15 and board policy #5141 Health for specific rules regarding diabetes management.

#### Emergency Administration of Epinephrine

The Garwood Board of Education shall permit the school nurse or medical inspector to administer epinephrine via epi-pen or other pre-filled auto-injector mechanism in emergency situations. In their absence, a designee or designees who are employees of the Garwood Board of Education may do so.

The designees must be properly trained by the school nurse in the administration of the epi-pen or other pre-filled auto-injector mechanism using the standardized training protocol designated by the state department of education. Each designee shall receive individual training for each student for whom he/she is designated.

The Garwood Board of Education shall inform the student's parents/guardians in writing that if the specified procedures are followed, the district, its employees and agents shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism to the student.

Parents/guardians shall provide the Garwood Board of Education with the following:

- A. Written orders from the physician that the student requires the administration of epinephrine for anaphylaxis and does not have the capability for self-administration of the medication;
- B. Written permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism by the school nurse or designee(s);

- C. A signed statement acknowledging their understanding that if the specified procedures are followed, the district shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism by the school nurse or designee(s) to the student and that the district, its employees, and agents shall be indemnified and held harmless against any claims arising out of the administration of the epi-pen or other pre-filled auto-injector mechanism to the student.

Permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism shall be granted annually and must be renewed each school year upon the fulfillment of the above requirements.

#### Placement and Availability of Epinephrine, and Transportation to Hospital Emergency Room

Pursuant to N.J.S.A. 18A:40-12.6, school policy requires:

- A. The placement of a student's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the student's emergency care plan. Back-up epinephrine shall also be available at the school if needed;
- B. The school nurse or designee to be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and
- C. The transportation of the student to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the student's symptoms appear to have resolved.

#### Emergency Administration of Epinephrine for First Time Allergic Reactions at School

The school nurse or trained designee shall be permitted to administer epinephrine via a pre-filled auto-injector mechanism to any student without a known history of anaphylaxis. This includes students whose parents/guardians have not submitted prior written permission or obtained prescribed medication as indicated in the rules above. Epinephrine may be administered to any student without a known history of anaphylaxis when the nurse or trained designee in good faith believes that the student is having an anaphylactic reaction.

The district shall maintain a supply of epinephrine auto-injectors that is prescribed under a standing protocol from a licensed physician or an advanced practice nurse in a secure but unlocked and easily accessible location. The supply of epinephrine auto-injectors shall be accessible to the school nurse and trained designees for administration to a student having an anaphylactic reaction.

#### Liability

No school employee, including a school nurse, or any other officer or agent of the Garwood Board of Education, or a physician or an advanced practice nurse providing a prescription under a standing protocol for school epinephrine shall be held liable for any good faith act or omission consistent with the provisions of law for the administration of epinephrine

(N.J.S.A. 18A:40-12.5 et seq.). No action shall be taken before the New Jersey State Board of Nursing against a school nurse for any such action taken by a person designated in good faith by the school nurse to administer epinephrine according to law (N.J.S.A. 18A:40-12.6). Good faith shall not include willful misconduct, gross negligence or recklessness.

### Implementation

The Garwood Board of Education may adopt additional regulations on all aspects of the administration of medication. When implementing school policy and N.J.S.A. 18A:40-12.6, staff will consult these New Jersey Department of Education guidance documents:

- A. Training Protocols for the Emergency Administration of Epinephrine (9/08);
- B. Guidelines for the Management of Life-Threatening Food Allergies in Schools (9/08).

Date: July 22, 1986

Revised: September 19, 1995

Revised: April 27, 1999

Revised: July 21, 2009

Revised: September 15, 2015

Revised: April 19, 2016

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules  
N.J.S.A. 18A:40-3.2 et seq. Medical and Nursing Personnel  
N.J.S.A. 18A:40-4 Examination for physical defects and screening of hearing of pupils  
N.J.S.A. 18A:40-7 Exclusion of pupils who are ill  
N.J.S.A. 18A:40-12.3 through -12.4 Self-administration of medication by pupil; conditions  
N.J.S.A. 18A:40-12.5 Policy for emergency administration of epinephrine to public school pupils  
N.J.S.A. 18A:40-12.6 through -12,6d Administration of epinephrine; primary responsibility; parental consent  
N.J.S.A. 18A:40-12.7 Nebulizer  
N.J.S.A. 18A:40-12.8 Administration of asthma medication by school nurse through nebulizer; training; pupil asthma treatment plan  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.S.A. 45:11-23 Definitions  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly:  
N.J.A.C. 6A:16-1.3, -2.1, -2.2, -2.3, -2.4  
Bernards Township Education Association v. Bernards Township Board of Education, 1981 S.L.D. (9/29/81), aff'd State Board, 1982 S.L.D. 4/7/82, aff'd App. Div., unpublished opinion (A-4211-81T3, 5/18/83)

Communications Workers of America, Local 1033, On behalf of  
Karen Norton, Barbara Woolston, Mary Ellen Schoen et al. v. New  
Jersey State Department of Education, Marie H. Katzenbach School  
for the Deaf, State Board Docket #52-91

### MEDICAL MARIJUANA

The Garwood Board of Education recognizes that physical discomfort associated with certain debilitating medical conditions can negatively impact a student's ability to benefit from educational services provided by the school district. The Garwood Board of Education also recognizes that a student diagnosed with a debilitating medical condition may, through the legally prescribed use of medical marijuana, alleviate physical symptoms associated with the debilitating condition that occur during school hours, potentially increasing the student's availability to receive instruction. Therefore in accordance with law (P.L. 2015, c.158), a student who is legally prescribed medical marijuana and who possesses a current registry identification card from the New Jersey Department of Health (NJDOH), may be administered prescribed marijuana by a NJDOH registered primary caregiver.

The New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-3) provides that medical marijuana may be prescribed for the following debilitating medical conditions:

- A. Seizure disorder, including epilepsy; intractable skeletal muscular spasticity; or glaucoma if any of these conditions are resistant to conventional medical therapy;
- B. Positive status for human immunodeficiency virus; acquired immune deficiency syndrome; or cancer; if any treatment of these conditions cause severe or chronic pain, severe nausea or vomiting, cachexia, or wasting syndrome;
- C. Amyotrophic lateral sclerosis, multiple sclerosis, terminal cancer, muscular dystrophy, or inflammatory bowel disease, including Crohn's disease;
- D. Terminal illness, if the student's physician has determined a prognosis of less than 12 months of life; or
- E. Any other medical condition or its treatment that is approved by the NJDOH by regulation.

#### New Jersey Department of Health Medical Marijuana Program Authorization

Students authorized to use medical marijuana, including adult students, are not authorized by law to self-administer the medication on school grounds, on the school bus or at school sponsored activities. In all cases, a primary caregiver shall be required to assist with the administration of the prescribed medical marijuana on school grounds, on the school bus, or at school sponsored activities subject to law and this Garwood Board of Education policy.

In order for the prescribed medical marijuana to be legally administered, the student and primary caregiver shall possess a current registry identification card. The NJDOH shall issue a registry identification card only upon certification from a licensed physician in the State with whom a qualifying patient has a bona fide physician-patient relationship. The physician must be registered with the New Jersey Medical Marijuana Program to legally prescribe medical marijuana.

According to the Medical Marijuana Program the primary caregiver:

- A. Shall be a resident of New Jersey who is at least 18 years old;
- B. Has agreed to assist with a registered qualifying patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying patient's physician;
- C. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after July 19, 2010 and was for a violation of federal law related to possession or sale of marijuana that is authorized under the Compassionate Use Medical Marijuana Act;
- D. Has registered with the NJDOH, and has satisfied the criminal history record background check requirement; and
- E. Has been designated as primary caregiver on the qualifying patient's application or renewal for a registry identification card or in other written notification to the NJDOH.

#### Verification of Registration Status

The chief school administrator shall submit a written request to the NJDOH Medical Marijuana Program seeking verification of the registration status of the student and the caregiver.

Verification of the registration status of the student and the caregiver shall be requested not less than annually. Documentation of the request made to the NJDOH and any response the district receives from the NJDOH shall be kept in the student's confidential medical records and maintained in the office of the school nurse.

#### Administration of the Prescribed Medical Marijuana

While on school grounds, the primary caregiver shall be permitted to administer the prescribed medical marijuana in the office of the school nurse. The school nurse may designate other locations on school grounds. When an alternate location on school grounds other than the nurse's office is requested or required for the administration of the prescribed medical marijuana, the school nurse shall document the designated location in the appropriate student record (i.e. confidential medical record, individualized health care plan).

No student shall be permitted to carry the prescribed marijuana medication on school grounds, on school buses or at school sponsored activities. The prescribed medical marijuana shall not be stored on school grounds. It shall be the sole responsibility of the primary caregiver to maintain and administer the medication.

A primary caregiver shall bring the medication to school to administer the medication in the school nurse's office and shall leave school grounds with any remaining medication. Any packaging, containers or other materials associated with the caregiver's administration of the prescribed medical marijuana to the student shall be disposed of in the appropriate receptacle for hazardous materials in the nurse's office and at no other location on school property.

Any form of medical marijuana that is smoked is prohibited on school grounds, on school buses or at school sponsored events.

Liability

Any person in possession of prescribed medical marijuana or using prescribed medical marijuana and acting within the provisions of N.J.S.A. 2C:35-18 Exemption, Burden of Proof and in accordance with the Compassionate Use of Medical Marijuana Act (N.J.S.A. 24:6I-1) shall be immune from criminal liability and professional disciplinary action.

Possession of, or application for, a registry identification card shall not alone constitute probable cause to search the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or his/her property to inspection.

Date: April 19, 2016

Legal References: N.J.S.A. 2C:35-18 Exemption, burden of proof  
N.J.S.A. 24:6I-1 et seq. New Jersey Compassionate Use of Medical  
Marijuana Act

See particularly

N.J.S.A. 24:6I-4, -5

N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act

N.J.A.C. 8:64-1.1 et seq. Medical Marijuana Program rules

See particularly

N.J.S.A. 8:64-1.1 Confidentiality

P.L. 2015, c.158 concerning medical marijuana



PUPIL SAFETY

The board of education recognizes the safety of its pupils as a consideration of utmost importance. The Chief School Administrator shall consult law enforcement agencies, health and social service providers, emergency management planners and other school and community resources in the development of the plans, procedures and mechanisms for school safety. The Chief School Administrator shall oversee development of a district wide safety program with emphasis on accident prevention.

Facilities

The Chief School Administrator shall maintain all facilities and equipment in proper condition to provide a safe learning environment, ensuring compliance with state law on the handling, labeling and storing of hazardous substances. Safety regarding all aspects of playground equipment and activity will be maintained and supervised in compliance to law and code.

Staff Education and Training

All teachers shall be familiar with the provisions of this program that particularly concern them.

The Chief School Administrator or designee shall inform all newly employed staff of school safety rules and regulations within 60 days of the effective date of their employment. All district employees will receive the appropriate in-service training to recognize and respond appropriately to safety concerns including emergencies and crises, in accordance with the district safety plans, procedures and mechanisms. The district safety plan will be updated annually and all employees will be notified of updates and changes to the safety plan in writing. Regulations concerning use and maintenance of eye protective devices shall be scrupulously enforced by all staff.

Student Supervision

The staff must maintain complete classroom and playground supervision during regular school hours. The Chief School Administrator shall seek the cooperation of parents/guardians to prevent any children being unsupervised on school property during lunch hour and during morning arrival and afternoon dismissal times. Further, the Chief School Administrator shall seek the cooperation of the police and other appropriate agencies in providing for the safety of pupils on or around school property. The board shall adopt the necessary regulations governing supervision of pupil safety.

No pupil shall leave the school before the end of the school day without permission of the principal. No pupil shall run errands on school business off the school property.

The curriculum shall include courses in safety as required by state law.

Pupils leaving before regular dismissal must be met in the school office and be signed out by a parent/guardian or a person authorized to act in his/her behalf.

A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the Chief School Administrator of any change in the pupil's custody. If one parent/guardian has been awarded custody of the pupil in a divorce, the other parent/guardian shall present to the principal a letter authorizing him/her to accompany the child from school before the child may be released. The principal may take reasonable steps to verify the letter. It is the responsibility of the person or agency having custody to inform the school that such authorization will be required.

#### Supervision of Students During Dismissal

Dismissal will be supervised. District staff will be assigned to specific locations and given defined responsibilities to supervise student dismissal in each district school facility. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The Chief School Administrator is responsible for overseeing the development of protocols that are tailored to the age and needs of the students at each school facility. At a minimum these protocols shall include:

- A. staff assigned to supervise dismissal, and their locations and responsibilities;
- B. where children will be retained awaiting appropriate escort and/or designated transportation;
- C. provisions for supervision when a parent/escort is unable to pick up their child at the appropriate dismissal time;
- D. location and presence of municipal crossing guards

The board will review the dismissal procedures annually.

#### Supervision of Non-bused Students at Dismissal

The board shall require that the parent/guardian notify the school in writing in advance of any arrangements for students requiring appropriate escort or designated transportation. The board requires signed permission for a student to be dismissed to walk home unescorted.

All documented arrangements will be considered permanent for the entire school year. Parents/guardians may alter arrangements upon prior written notification to the Chief School Administrator or designee.

Parents/guardians leaving students at school that are to be escorted home will be reported to the proper authorities.

The Chief School Administrator or designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The Chief School Administrator or designee is responsible for keeping a record of the dismissal arrangements and implementing the appropriate dismissal supervision in accommodation of these arrangements.

#### Notification of Dismissal Protocols

The Chief School Administrator or designee shall ensure that parents are notified of the following:

- A. school calendar including school closure and early dismissal dates and times; and any adjustments to the calendar;
- B. the school dismissal policy;
- C. dismissal protocol for all bused students, non-bused students and students in after-school programs or activities;
- D. supervision arrangements for students at dismissal;
- E. emergency plan for supervision of students left at school;
- F. after school program opportunities;
- G. procedures for enrolling students in after school programs;

The parent/guardian is responsible for reviewing the school calendar and complying with all school dismissal times and procedures. It is the parents'/guardians' responsibility to resume the custody of their child at the end of each school day.

The Chief School Administrator will develop procedures for:

- A. parents/guardians to provide signed acknowledgement of receipt of the school calendar, including all school closure and early dismissal dates, and the school dismissal policy and procedures;
- B. parents/guardians to indicate and define the circumstances that the student is to be released from the school's care at dismissal;
- C. the collection and retention of all documents pertaining to receipt of calendar and escort/transportation arrangements.

#### Voluntary Fingerprinting Program

The board of education shall provide a voluntary fingerprinting program for the protection of its pupils. This program shall be carried out in cooperation with the county sheriff's office and local law enforcement officials in accordance with the requirements of law.

All pupils in grades pre-kindergarten through eight shall be eligible to participate with written authorization of their parent/guardian. Completed fingerprint cards shall be given to the parent/guardian and shall not be retained by the school district or the law enforcement agency.

The Chief School Administrator is directed to provide an orientation program for those pupils for whom fingerprinting has been authorized, and to develop appropriate administrative regulations for the implementation of the voluntary fingerprinting program in the district.

#### Potentially Missing Children

Attendance practices, the dismissal precautions addressed in this policy and voluntary fingerprinting are part of the district's effort toward early identification of potentially missing children.

The Chief School Administrator will develop procedures that ensure cooperation with law enforcement for substances, weapons and safety. This may include cooperation with law enforcement in the activation of an "Amber Alert" which provides for the rapid dissemination of information, including a description of the missing child through broadcast media.

#### Release to an Individual Impaired by Drugs/Alcohol Prohibited

The board believes that allowing a child to be released into the custody of a parent/guardian or other authorized individual who appears to be impaired by drugs or alcohol can have tragic consequences. Therefore, the board prohibits release of a pupil into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the pupil if released to such a person. The Chief School Administrator/designee shall make the final determination as to whether an individual is impaired.

#### Possessions

Parents/guardians are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The board is not responsible for items destroyed or stolen from lockers.

## Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The Chief School Administrator and principals in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the district. Principals shall inform those employees/ volunteers whose duties regularly put them in a position to observe unauthorized persons on or near the property of the school. Principals shall determine whom to notify on the basis of this definition, as well as on specific job duties carried out in their schools. If private vendors perform any of these functions, the Chief School Administrator and principals shall inform the vendor. Notification may include, but is not limited to:

- A. Aides
- B. Bus drivers
- C. Coaches
- D. Maintenance staff
- E. Professional support staff
- F. School level administrative staff
- G. Security personnel
- H. Teachers' aides
- I. Teachers

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General. Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environs, he/she shall immediately contact the local law enforcement agency or the county prosecutor.

District personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO, PTA, HSA, etc.
- B. Organizations using school facilities
- C. Other schools
- D. Press

The principal shall provide registration forms to any organization that uses the school facilities, including parent-teacher organizations, that wishes to be notified by the county prosecutor's office of the presence of a Tier Two or Tier Three offender in the community.

In addition to the school personnel identified by the principal, students and parents/guardians shall be notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office. Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply. When a parent/guardian has been identified as an offender, he/she may continue to participate in all appropriate parent/guardian activities, unless prohibited by legal constraint.

Newly hired staff and newly enrolled students and their parents/guardians shall be trained and informed of the presence of Tier Two and Tier Three offenders, unless the county prosecutor has notified the principal that notice cannot be given.

Students and district employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The Chief School Administrator shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

#### School Violence Awareness Week and Annual Public Hearing

The school shall observe "School Violence Awareness Week". This week will include discussions, presentations, and training for both students and staff, focused on the topic of preventing violence in school. Law enforcement personnel will be invited to join school teaching staff presenting age appropriate opportunities for students to discuss issues including but not limited to conflict resolution, student diversity and tolerance.

The board of education shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A: 17-46 and N.J.A.C. 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

Date: December 1985

Revised: March 18, 2008

Revised: August 18, 2009

Legal References:

- N.J.S.A. 2C:7-2 et seq. Registration and Notification of Release of Certain Offenders  
N.J.S.A. 2C:39-5 Unlawful possession of weapons  
N.J.S.A. 18A:6-2 Instruction in accident and fire prevention  
N.J.S.A. 18A:16-2 Physical examinations; requirement  
N.J.S.A. 18A:17-42,  
-43 and -45 through -48 Public School Safety Law  
N.J.S.A. 18A:20-21 Supervisors and other employees  
N.J.S.A. 18A:35-5 Maintenance of physical training courses; features  
N.J.S.A. 18A:35-5.1  
through -5.3 Lyme disease prevention; public school health curriculum  
N.J.S.A. 18A:36-24  
through -25 Missing children; legislative findings and declarations...  
N.J.S.A. 18A:36-29 et seq. Voluntary fingerprinting ...  
N.J.S.A. 18A:40-12.1, -12.2 Protective eye devices required for teachers, pupils and  
visitors in certain cases ...  
N.J.S.A. 18A:41-1 et seq. Fire drills and fire protection  
N.J.S.A. 30:5B-26  
through -29 Child care before and after school hours ...  
N.J.S.A. 34:5A-1 et seq. Worker and Community Right to Know Act  
N.J.S.A. 39:4-183.1a Traffic control devices  
N.J.S.A. 52:27D-123.9 et seq. Definitions relative to playground safety  
N.J.A.C. 5:23-11 to 11.4 Playground Safety Sub code  
N.J.A.C. 6A:8-5.1 Graduation requirements  
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

- N.J.A.C. 6A:16-2.1, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1, -6.2, -6.4, -6.5  
N.J.A.C. 6A:19-10.1 et seq. Safety and Health Standards

See particularly:

- N.J.A.C. 6A:19-10.2  
N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of Facilities

See particularly:

- N.J.A.C. 6A:26-12.2, -12.5  
N.J.A.C. 6A:27-11.1 et seq. Safety

Manual for the Evaluation of Local School Districts

### **EQUAL EDUCATIONAL OPPORTUNITY**

The district shall provide equal and bias-free access for all pupils to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, social or economic condition, or disability. Enforcement of other district affirmative action/ equity policies (2224, 4111.1, 4211.1, and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with pupils at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each pupil as an individual and to accord each pupil the rights and respect that is his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each pupil's potential in regard to his/her program, consistent with district goals and with optimal opportunities for pupils. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all pupils;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of pupils;
- D. Treating all pupils with consistent fairness.

The board of education guarantees all pupils equal access to all academic programs within the learning environment.

Pupils shall respect the rights of other pupils to receive an education in an environment that is conducive to learning and personal growth. No pupil shall have the right to abridge another pupil's right to privacy or right to hold personal beliefs that are different from those of the mainstream.



## Harassment

The district's affirmative action program is part of each academic program regarding all pupils. No one - including pupils, staff members, vendors, volunteers, or visitors - shall commit an act of harassment/discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

Harassment is defined as a repeated pattern of unprovoked aggressive behaviors of a physical and/or psychological nature carried out by an individual or a group against an individual or group with the effect of causing harm or hurt. Harassing behaviors are all those behaviors that are unwelcome and unwanted in the view of the recipient. They all have the effect of creating a hostile environment.

Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

## Sexual Harassment

Particularly, the board of education shall maintain an academic environment that is free from sexual harassment.

Sexual harassment shall consist of unwanted and unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct or communication of a sexual nature when made by any staff member to a pupil, by any pupil to another pupil, or by any pupil to a staff member when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a pupil's evaluation, promotion, opportunities, privileges, and other benefits of education;
- B. Submission to or rejection of such conduct by a pupil is used as a basis for decisions affecting the pupil;
- C. Such conduct has the purpose or effect of interfering with a pupil's academic performance or creating an intimidating or hostile educational environment.

The administration will inform all pupils that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupils standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action.

### Equality in School

The board of education shall maintain an academic environment that is free from harassment and provide equal and bias free access for all students to all school facilities, courses, programs, activities and services, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status. The board shall ensure that:

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation;
- C. The district curriculum will be aligned with the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap;
- D. All students have access to counseling services;
- E. Physical education program is equitable and co-educational

### Grievance Procedure

Any member of the student body may file a formal grievance related to harassment. The Affirmative Action Officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting harassment will not reflect upon the pupil's status nor affect future grades or class assignments.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action.

Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or harassing action. An immediate report of the allegation should be made to the affirmative action officer or chief school administrator.

Violations of this policy or its related regulations or procedures shall be cause for appropriate disciplinary action.

## Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

### Implementation

The chief school administrator shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The chief school administrator shall ensure that, annually, all staff and all pupils (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and pupils shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

The chief school administrator shall also ensure that staff and pupils participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

The chief school administrator shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

DATE: December 1985

REVISED: April 2003

REVISED: June 19, 2007

### Legal References:

N.J.S.A. 2C:16-1	Bias Intimidation
N.J.S.A. 2C:33-4	Harassment
N.J.S.A. 10:5-1 et seq.	Law Against Discrimination
N.J.S.A. 18A:36-20	Discrimination; prohibition
N.J.S.A. 18A:38-5.1	No child to be excluded from school because of race, etc.
N.J.A.C. 6A:7-1,4-1.7	
N.J.A.C. 6A:16-6.3(e)	Reporting students or staff members to law enforcement authorities
N.J.A.C. 6A:17-1.1 et seq.	Students At-Risk of Not Receiving a Public Education
N.J.A.C. 6A:30-1.1 et seq.	Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-12.1	Reporting requirements
N.J.A.C. 6A:32-14.1	Review of mandated programs and services

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)  
State v. Mortimer, 135 N.J. 517 (1994)  
20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972  
20 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973  
20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly  
Education for All Handicapped Children Act)--Part B  
42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)  
Hawkins-Stafford Elementary and Secondary School Improvement Amendments of  
1988 (P.L. 100-297)  
Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)  
Manual for the Evaluation of Local School Districts (August 2000)  
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et  
seq.  
Comprehensive Equity Plan, New Jersey State Department of Education

PHOTOGRAPHS OF PUPILS

Taking pictures of district pupils and buildings for commercial purposes is prohibited without written approval of the chief school administrator.

"Commercial purposes" in this context is defined to mean for sale or for use in connection with the advertisement or promotion of goods or services.

"School pupils" in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.

Pictures of children with educational disabilities shall not be disseminated in any way unless permission is granted by parents/guardians. Photographs of children placed in the district by the Division of Youth and Family Services (DYFS) shall not be published without permission of the division case worker.

Photographs on the District Web Site

Pictures of district pupils shall not be posted on the web site, except under the following conditions:

- A. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil;
- B. Group photographs may identify the group, but not the individuals in the group;
- C. Prior written permission has been obtained from the pupil's parent/guardian or from the adult pupil, if the pupil is receiving an award or special recognition.

Date: July 21, 2009

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:36-35 Disclosure of certain student information on internet prohibited without parental consent  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

**A GRIEVANCE PROCEDURE FOR GARWOOD STUDENTS**

Each school shall establish procedures for the consideration of pupil problems and for the processing of their complains and appeals. These procedures should be developed through the cooperative efforts of pupils, faculty, and administrators. The chief school administrator or designee shall establish and maintain procedures for appeals beyond the decision of the principal. Details of those procedures should be made know to pupils and staff, and pupils who wish to use them should be assured of access to the appropriate personnel within a reasonable period of time.

The Board of Education recognizes that students enrolled in the public school system have certain basic and fundamental rights as citizens which should be protected by those parties who are considered in locus parentee and who are immediately responsible under law for their education.

In the absence of constitutional provision or of specific statutory mandates under State or national authority, it is the policy of the Board of Education that the ensuing "step and timelines" be allowed as insurance of pupils' basic rights under law for a fair and an orderly procedure concerning possible grievances:

Steps

Step 1: The student speaks to his immediate teacher or homeroom teacher concerning the grievance. If not resolved:

Step 2: The student speaks to the Principal. If not resolved:

Step 3: The student writes out or has written out the grievance. The student then delivers this written statement to the Chief School Administrator. If not resolved:

Step 4: The student and his parents write to the Board of Education. If not resolved:

Step 5: The student and his parents write to the County Superintendent who will make a final disposition.

Timelines

Step 1: Immediate (same day)

Step 2: Two (2) school days maximum delay

Step 3: Five (5) school days

Step 4: Ten (10) school days

Step 5: Thirty (30) school days

Adopted: December 1985

Revised: June 25, 2007

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:16-7.1 Code of student conduct

### GENDER IDENTITY AND EXPRESSION

The Garwood Board of Education believes that a school culture that supports student achievement, respects the values of all students and fosters understanding of gender identity and expression within the school community is a safe learning environment. New Jersey law and district policy require that all programs, activities, and employment practices be free from discrimination based on sex, sexual orientation, gender identity or gender expression. Therefore in keeping with these mandates the Garwood Board of Education is committed to creating a safe learning environment for all students and to ensure that every student has equal access to all school program and activities.

The Garwood Board of Education believes that fostering this understanding successfully requires cooperation and good communication between the parents/guardians, school administration, school staff and the school community. The superintendent shall ensure that students with gender identity or expression concerns and their parents/guardians shall be given the opportunity to discuss these issues and participate in the educational planning and programing for their student. The superintendent may consult the experiences and expertise of qualified school staff as well as external resources where appropriate.

To proactively plan for a safe learning environment free of discrimination and harassment students and parents/guardians/of students with gender identity and expression concerns are encouraged to alert the school district and schedule a meeting with the superintendent. Upon request, the superintendent shall schedule a meeting with the parent/guardian and the student for the purpose of evaluating the needs of the student and planning any accommodations that may be considered to facilitate a respectful and comfortable school program that supports the student's achievement.

#### Definition:

- A. "Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the gender they were born with. Everyone has a gender identity.
- B. "Transgender" is a term which describes people whose gender identity or gender expression is different from their gender at birth.
- C. "Gender expression" refers to the way a person expresses gender to others in ways that are socially defined as either masculine or feminine, such as through behavior, clothing, hairstyles, activities, voice or mannerism.
- D. "Transition" refers to the process in which a person goes from living and identifying as one gender to living and identifying as another.

### Harassment, Intimidation and Bullying

The Garwood Board of Education shall make every effort to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying and free from discrimination on account of actual or perceived race, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, domestic partnership status, nationality, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, disabilities, social or economic status, pregnancy, childbirth, pregnancy related disabilities, actual or potential parenthood, family status or other distinguishing characteristic.

Complaints alleging discrimination shall be reported to the school affirmative action office according to board policies (2224, 4111.1/4211.1 and 6121 Nondiscrimination/Affirmative Action).

Any student experiencing or observing harassment, intimidation and/or bullying is encourage dot report the incident to a member of the school staff. Any staff member observing or receiving a report of harassment, intimidation or bullying shall report the incident to the principal the same day the incident is observed or report receive according to board policy 5131.1, Harassment, Intimidation and Bullying. All reported incidents of discrimination, harassment, intimidation, and bullying shall be promptly investigated and resolved according to law and Garwood Board of Education policy.

### Confidentiality and Privacy

School identity personnel may not disclose this information that may reveal a student's transgender or gender status, except as allowed by law. Under the Family Education Rights Privacy Act (FERPA), only those school employees with a legitimate educational need may have access to a student's records or the information contained within those records. Disclosing confidential student information to other employees, students, parent/guardians, or other third parties may violate privacy laws, including but not limited to FERPA. Transgender students have the ability, as do all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others.

Students who do not want their parents/guardians to know about their transgender status shall be addressed on a case-by-case basis. In some cases, notifying parent/guardian carries risks of the student, such as being kicked out of the home. Prior to notification of any parent/guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent/guardian will be involved in the process and must consider the health, well-being, and safety of the transgender student. The school counselor shall balance the rights to the student needing support and the requirement that parents/guardians be kept informed about their child. In accordance with law, parents/guardians and/or the appropriate local officials shall be informed when there is any suspicion of injury or harm to the student or other students.



## Coordination of School Accommodations

In planning appropriate accommodations for a student who is transgender, the superintendent, parents/guardians and the student and other qualified staff or consultants as necessary shall meet to discuss actions that the district and school personnel may take to create safe learning environment, including:

### A. Names/Pronouns

School staff shall be directed to address the student by the name and pronoun corresponding to their gender identity that is consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their pupil personnel records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. To the extent possible and consistent with these guidelines, school personnel shall make efforts to maintain the confidentiality of the student's transgender status.

### B. Sports and Physical Education

Transgender students shall be provided the same opportunities to participate in physical education as are all other students. Generally, students may be permitted to participate in physical education and sports in accordance with the student's gender identity that is consistently asserted at school.

### C. Restroom and Locker Room Accessibility

The district aims to support transgender students while also ensuring the safety and comfort of all students. The superintendent together with the parents/guardians, student and other qualified staff or consultants shall evaluate options for the use of restrooms and locker rooms by the transgender students and consider the following factors, including, but no limited to:

1. The transgender student's preference;
2. Protecting student privacy;
3. Maximizing social integration of the transgender student;
4. Minimizing stigmatization of the student;
5. Ensuring equal opportunity to participate;
6. The student's ages; and
7. Protecting the safety of the students involved.

Generally students may have access to the restroom or locker room that corresponds to the gender identity or expression that they consistently assert at school and no student shall be forced to accept an accommodation with which he/she disagrees. A transgender or transitioning student who expresses a need or desire for increased privacy may be provided with reasonable alternative arrangements. Any alternative arrangement shall be provided to the extent possible in a way that protects the student's ability to keep his or her transgender status confidential.

A transgender student should not be required to use a locker room or restroom that conflicts with the student's gender identity or expression consistently asserted at school.

#### D. Gender Segregation in Other Areas

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e. overnight field trips), students may be permitted to participate in accordance with the gender identity or expression consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the facts set forth above.

#### E. Dress Code

Students have the right to dress in accordance with their gender identity or expression that is consistently asserted at school, within the constraints of the school policy for student dress (5132 Student Dress). School staff shall not enforce a school's dress code more strictly against transgender and transitioning transgender students than other students.

#### F. Privacy

The superintendent and/or his/her designees are expected to work closely with the student and his/her parents/guardians in formulating an appropriate plan regarding the confidentiality of the student's transgender or transitioning status that works for both the student and the school. Privacy considerations may also vary with the ages of the student.

Where the transgender or transitioning student feels more supported and safe when other students are aware that they are transgender or transitioning, school staff shall be given guidance and training appropriate for facilitating a respectful school climate. School personnel may be directed to work closely with the student, parents/guardians, other family members and other staff members on a plan to inform and educate the student's peers. It may also be appropriate to engage external resources to assist with educational efforts.

#### Resources for Transgender or Transitioning Students

If a school staff member observes that a gender identity issue is creating challenges for a student at school or if a student indicates an intention to transition, the staff member shall alert the school counselor and encourage the student to meet with the school counselor if appropriate. School staff shall make every effort to support the student and encourage the support and respect of student peers and staff during school.

When a student indicates an intention to transition, the school counselor, as appropriate, shall offer assistance and provide the student, and/or their parents/guardians as appropriate, with information, resources and referral services regarding the issues associated with gender identity and expression and/or formal gender transition. The school counselor shall also

provide information regarding gender transition planning at school. The counselor shall coordinate the measures planned and taken at school for supporting the student and creating a sensitive supportive environment at school. These measures may include:

- A. Making resources available to parents/guardians who have additional questions or concerns;
- B. Developing age-appropriate lessons for students about gender diversity and acceptance: and
- C. Staff training surrounding vigilance to prevent possible harassment, intimidation and bullying issues that may arise for transgender or transitioning students.

Reports of harassment, intimidation and bullying shall be promptly investigated and resolved according to Garwood Board of Education policy 5131.1 Harassment, Intimidation and Bullying.

#### Official Records

The District is required to maintain a permanent student record which includes the student's legal name and the student's gender. The District will change a student's official records to reflect a change in legal name upon receipt of:

- 1. Documentation that the student's legal name or gender has been changed pursuant to a court order or through amendment of state or federally-issued identification; or
- 2. An affidavit explaining that the student has exercised a common-law name change and has changed their name for all intents and purposes and that the change has not been made for fraudulent reasons.

Schools may change a student's official gender designation upon parent request pursuant to the Office of the Superintendent of Public Instruction's (OSPI'S) process.

To the extent that the District is not legally required to use a student's legal name and biological sex on school records or documents, the District should use the name and gender by which the student identifies. In situations where school employees are required by law to use or report a student's legal name or gender, school staff should adopt practices to avoid the inadvertent disclosures of the student's transgender or gender nonconforming status.

Adopted: October 18, 2016

Legal References: N.J.S.A. 2C:16-1 Bias intimidation  
N.J.S.A. 2C:33-4 Harassment  
N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:65 Inquiry as to religion and religious tests prohibited  
N.J.S.A. 18A:6-6 No sex discrimination  
N.J.S.A. 18A:261 Citizenship of teachers, etc.  
N.J.S.A. 18A:26-1.1 Residence requirements prohibited  
N.J.S.A. 18A:292 Equality of compensation for male and female  
teachers  
N.J.S.A. 18A:3714 Harassment, intimidation, and bullying defined;  
through-19 definitions  
N.J.S.A. 18A:3620 Discrimination; prohibition  
N.J.A.C. 6A:7-1.1 et. seq. Managing for Equality and Equity in  
Education  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School  
Districts  
N.J.A.C. 6A:3212.1 Reporting requirements  
N.J.A.C. 6A:3214.1 Review of mandated programs and services  
Executive Order 11246 as amended  
29 U.S.C.A. 201 – Equal Pay Act of 1963 as amended  
20 U.S.C.A. 1681 – Title IX of the Education Amendments of 1972  
42 U.S.C.A. 2000e et seq. – Title VII of the Civil Rights Act of 1964 as  
amended by the Equal Employment Opportunities Act of 1972  
Comprehensive Equity Plan, New Jersey Department of Education Doe  
v. Regional School Unit 26, No. 12-582 (Me. Jan 30, 2014)  
NJSIAA, Constitution, Bylaws, Rules and Regulations, Transgender  
Policy (pg. 75), <http://www.njsiaa.org/resources/njsiaa-handbook>

### QUESTIONING AND APPREHENSION

In order to protect pupils' rights during the time they are under school control, the principal shall interview every person who wishes to question a pupil on school property during the school day. The chief school administrator shall be informed of such incidents.

#### Law Enforcement Officers

- A. If a law enforcement officer has an arrest warrant, the principal shall ensure that all procedural safeguards as prescribed by law are observed. No pupil shall be taken from the school without the knowledge of the principal or other person in charge of the school. The principal shall make every reasonable effort to notify parents/guardians. The chief school administrator shall be informed whenever such apprehensions take place.
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning.
- C. If the law enforcement officer is an agent of the Division of Child Protection and Permanency (DCP&P), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

#### Private Persons

If a private person wishes to question a pupil on school property during the school day, generally parents/guardians shall be notified of the request and give their permission before the principal will permit the private person to question the pupil. In cases involving possible harm to another pupil which might be prevented by early information, the principal may permit such questioning if the parent/guardian cannot be reached. The principal shall be present during the questioning.

#### Weapons and Substance Abuse Questioning by Staff

When questioning any pupil about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the Garwood Board of Education in compliance with administrative code.

#### Generally

The chief school administrator shall notify the Garwood Board of Education president when the police have sought to question a pupil in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law

enforcement and other agencies, while ensuring that the parents/ guardians are informed and pupil rights protected.

Date: May 17, 2016

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure  
N.J.S.A. 2C:35-5 Comprehensive Drug Reform Act of 1986  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse  
N.J.A.C. 6A:16-5.1 et seq. School Safety  
See particularly:  
N.J.A.C 6A:16-5.7 through -5.8  
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons, and Safety  
See particularly:  
N.J.A.C. 6A:16-6.1, -6.2, -6.3  
N.J.A.C. 6A:32-7 et seq. Student records  
New Jersey Constitution, Article I, para. 7  
U.S. Constitution, Amendment IV, V, XIV  
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)  
In re Gault, 387 U.S. 1 (1967)  
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

SEARCH AND SEIZURE

School lockers remain the property of the district even when used by pupils. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the pupil has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils under any circumstances.

Searches for Controlled Dangerous Substances/Drug  
Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See Policies 5131.6 and 5131.7.

Date: December, 1985  
October 21, 2008

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information;  
penalties for disclosure  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:36-19.2 Student lockers or other storage facility;  
inspection; notice to students  
N.J.S.A. 18A:37-6.1 Strip and body cavity searches prohibited  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances,  
Weapons and Safety

State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., 469 U.S. 325, 53 (1985)

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, \_\_\_ U.S. \_\_\_, 115 S.Ct. 2386 (1995)

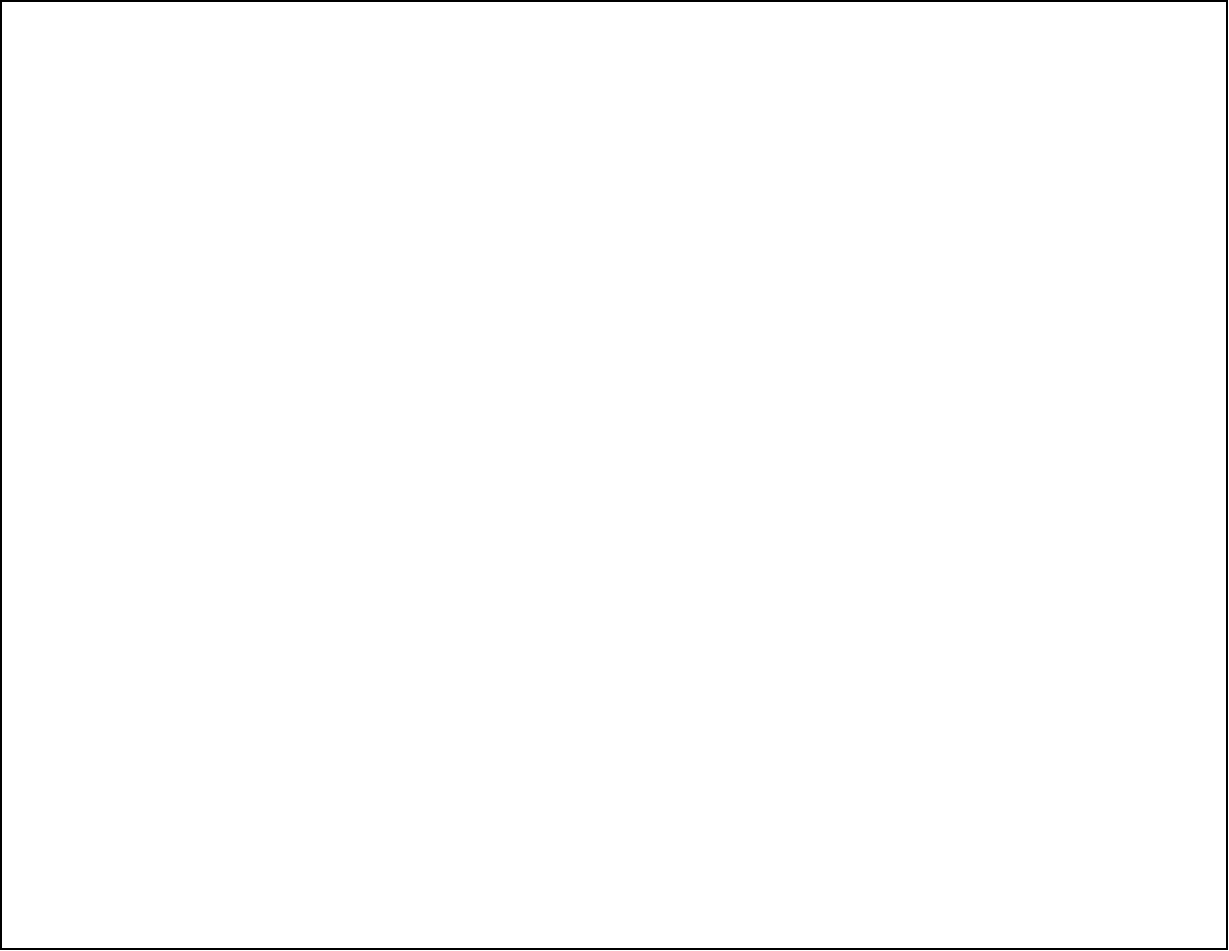
Joye v. Hunterdon Central Regional High School Board of Education, Superior Court of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)

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

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

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





NONPUBLIC SCHOOL PUPILS

New Jersey statute and regulations of the state board of education require the board of education to provide certain services and supplies to those New Jersey children whose parents/guardians enroll them in nonpublic schools within the confines of the district. Out-of-state pupils enrolled in nonpublic schools within the district are not included.

Nursing Services

The board of education shall, within the funding limitations as determined by the state's appropriations and nonpublic school enrollment, provide the mandated nursing services for pupils enrolled full-time in nonpublic schools located within the district. Specified nursing services include:

- A. Assistance with medical examinations including dental screening;
- B. Hearing screenings;
- C. Maintenance of student health records and notification of local or county health officials of improperly immunized pupils;
- D. Conducting of scoliosis examinations for pupils between the ages of 10 and 18.

The district shall extend to pupils enrolled full-time in nonpublic schools in the district who are injured or become ill at school or during participation on a school team or squad the emergency care provided to public school pupils up to the limit of state aid provided.

No district shall be required to make expenditures for purposes of this act in excess of the amount of state aid received for these purposes.

Federal Requirements

All requirements of federal law shall be obeyed, particularly those addressed in provision of Title 1 program services, and IDEA. (See policies 6171.3 At-risk and Title 1 and 6171.4 Special education.)

Implementation

The chief school administrator shall develop rules, regulations and procedures for the efficient and economical delivery of such services and supplies as are mandated by law. Wherever possible, already existing means and procedures for delivering those same supplies and services to the pupils attending the district's public schools shall be utilized.

Date: December, 1985  
October 21, 2008

Legal References: N.J.S.A. 18A:39-1 et seq. Transportation [To and From Schools] of pupils

N.J.S.A. 18A:40-3.2 et seq. Medical and Nursing Personnel

N.J.S.A. 18A:40-23 et seq. Nursing Services for Nonpublic School Pupils

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

See particularly:

N.J.S.A. 18A:40A-5, -17(c)

N.J.S.A. 18A:46-19.1 et seq. Remedial services for handicapped children in nonpublic schools ...

N.J.S.A. 18A:46A-1 et seq. Auxiliary services (nonpublic school pupils)

N.J.S.A. 18A:58-37.3 Purchase and loan of textbooks

N.J.A.C. 6A:14-1.1 et seq. Special Education

See particularly:

N.J.A.C. 6A:14-6.1 et seq.

N.J.A.C. 6A:16-1.4(a)9 District policies and procedures

N.J.A.C. 6A:16-2.5 School health services to nonpublic school students

N.J.A.C. 6A:23-6.1(b) Eligibility

N.J.A.C. 6A:23-6.2 Responsibility of the district board of education

N.J.A.C. 6A:27-2.1 et seq. Nonpublic School Transportation

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

N.J.A.C. 6A:32-14.1 Review of mandated programs and services

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act)--Part B

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

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

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

Mitchell v. Helms, No. 98-1648, 2000 U.S. Lexis 4485 (June 28, 2000) \_\_\_\_\_ U.S. \_\_\_\_\_ (June 28, 2000)

Parents for Student Safety, Inc. v. Board of Education of the Morris School District, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24)

Manual for the Evaluation of Local School Districts