

## Manasquan High School

<b>Visual and Performing Arts</b>	<b>Supervisor: Donald Bramley</b>
Foundations in Art*	Written: August 2015*
Introduction to Sculpture	Written: June 2009; revised August 2015
AP Studio Art 3-D	Written & Approved by College Board August 2016
AP Studio Art 2-D	Written & Approved by College Board August 2016
AP Studio Art: Drawing	Written & Approved by College Board August 2016
Fine Arts	Written: June 2009; revised; June 2010; August 2015; revised August 2018
Cultural Arts (Crafts)	Written: August 2017
Ceramics	Written January 2012; revised August 2015: revised August 2018
Graphic Design	Written June 2011; revised August 2015; revised August 2018
Painting	Written August 2016
Art Appreciation/Art I	Written August 2018; revised 2019
Digital Photography I	Written August 2019
Digital Photography II	Written August 2020
Music Theory	Written: August 2010; August 2015
Arts/Music Practicum*	Written: August 2012
Improv Jazz I	Written August 2012; revised August 2015
Improv Jazz II	Written: August 2012; revised August 2015
Warrior Band	Written: August 2012; revised August 2015; revised August 2018
Symphonic Choir	Written: August 2017
TV Production	Written: August 2017
Fundamentals of Musicianship/Introduction to Music *	Written in 2018; revised August 2019*
Music Production	Written August 2019
Introduction to Dance	Written September 2019
Dance II	Written August 2020
Advanced Dance	Written August 2020
A.P Music Theory	Written August 2016*

<b>Business &amp; Technology</b>	<b>Supervisor: Rich Read</b>
Introduction to Business	Written: August 2010; revised August 2012; August 2015; revised August 2018
Principals of Accounting	Written: June 2004; revised August 2010; August 2015; August 2018
Accounting II	Written August 2020
Computer App Tech	Written: June 2004; revised August 2010; August 2015; revised August 2018
Multimedia Tech	Revised: June 2007; August 2010; revised August 2017; revised August 2018
Technology of Engineering & Design	Written: September 2014; revised August 2016; revised August 2018; revised 2020
Business of Architecture & Construction	Revised: August 2014; revised August 2016; revised August 2018
Introduction to Engineering: Robotics	Written: August 2015
Fundamentals of Engineering Design	Written: August 2018
Microsoft Suite	Written August 2019
Information Technology	Written August 2019
Multimedia Workshop	Written August 2019
Financial Literacy	Written August 2019
<b>English</b>	<b>Supervisor: Rick Coppola</b>
English I	Written: June 2009; revised: June 2010; August 2015; August 2017; revised August 2019
English I Honors	Written: August 2014; August 2017; revised August 2019
English II	Written: March 2015; revised August 2017; revised August 2019
English II Honors	Written: March 2015; revised August 2017; revised August 2019
English III	Written: August 2017
English III Honors	Written: June 2009; revised April 2010; revised August 2012; revised August 2017
English IV	Written: June 2009; revised 2010; June 2012; August 2017; revised August 2018
English IV Honors	Written: June 2009; revised 2010; June 2012; August 2017
AP Language & Composition	Written & approved by College Board June 2007
AP Literature & Composition	Written & approved by College Board June 2007
Screenwriting	Written: August 2010
Introduction to Acting	Written: August 2010
Writing	Written: August 2011
Movies, Films & Flicks	Written: June 2015
Journalism Workshop	Written: August 2012
Yearbook/Print Media II	Written: June 2012; Revised August 2019
ACE (Special Education)	Written August 2018
ESL	Written August 2018
Life Skills (Special Education)	Written August 2018
Freshman Seminar	Written August 2019
The Writing Process	Written August 2019
LGBTQ/DPC Infusion Grades 9-12	Written/Infused August 2020 (Ongoing)

<b>Industrial Arts</b>	<b>Supervisor: Donald Bramley</b>
Advanced Woodworking	Written August 2019
Construction Technology	Written August 2020
Materials and Methods for Technology I	Written August 2020
Materials and Methods for Technology II	Written August 2020
Woodworking	Written August 2015
<b>Math</b>	<b>Supervisor: Craig Murin</b>
Algebra I	Written: July 2011; revised August 2017
Algebra II	Written: April 2011; August 2017
Advanced Algebra II	Written: August 2020
Algebra Honors	Written: June 2009; revised August 2011; August 2017
Algebra Concepts	Written: July 2011; August 2017
Geometry Concepts	Written: August 2011; August 2017
Geometry	Written: August 2011; August 2017
Geometry Honors	Written: August 2011; August 2017
Pre-Calc	Written: August 2011; August 2017
Pre-Calc Honors	Written: August 2011; August 2017
Calculus	Written: 2004; revised 2009; August 2012; revised August 2019
Calculus Honors	Written: August 2012; revised August 2019
AP Calc AB	Written & approved by College Board August 2010
AP Calc BC	Written & approved by College Board August 2010
Consumer Math	Written: January 2006; revised: August 2012
Statistics	Written: August 2012; revised August 2018
AP Statistics	Written & approved by College Board September 2015; revised August 2018
AP Computer Science Principal	Written & approved by College Board July 2017; revised August 2018
AP Computer Science A	Written & approved by College Board 2019
<b>Physical Education &amp; Health</b>	<b>Supervisor: Pete Cahill</b>
Phys Ed I	Written: August 2017; revised 2018
Phys Ed II	Written: August 2017; revised 2018
Phys Ed III	Written: August 2017; revised 2018
Phys Ed IV	Written: August 2017; revised 2018
Health I	Written: August 2017; revised 2018
Health II/Drivers Ed	Written: August 2017; revised 2018
Health III	Written: August 2017; revised 2018
Health IV	Written: August 2017; revised 2018
Sports Injury Management	Written: August 2012
Coaching Team Sports	Written: August 1993; revised August 2012
Peers	Written: 2018

<b>Academy of Health &amp; Careers</b>	<b>Director: Claire Kozic</b>
Dynamics of Health Care	Written: August 2010; revised August 2015; revised August 2018
Medical Terminology	Written: August 2012; revised August 2018
Nutrition	Written: August 2010; revised August 2012; revised August 2018
Nutrition Across the Life Span	Written: August 2013; revised August 2018
Emergency & Clinical Care	Written: August 2010; revised August 2018
Fundamentals of Health & Wellness	Written: August 2017; revised August 2018
<b>Science</b>	<b>Supervisor: Craig Murin</b>
Lab Environmental Science	Written August 2016; revised August 2018
Lab Integrated Marine Science	Written August 2016
Lab Bio Honors	Written August 2016
Lab Bio	Written August 2016
Lab Bio Concepts	Written August 2016 <i>no longer offered</i>
AP Chemistry	Written & approved by College Board 2012
Lab Chemistry Honors	Written: June 2005; revised August 2012
Lab Chemistry	Written: June 2010; revised August 2020
Lab Physics Honors	Written August 2016
Lab Physics	Written August 2016; revised August 2020
Lab Anatomy/Physiology	Written August 2016
Lab Marine Science	Written August 2016; revised August 2018
Astronomy/Meteorology	Written August 2016; revised August 2018
AP Environmental Science	Written & approved by College Board August 2017
AP Biology	Written & approved by College Board August 2010 ; revised August 2018
Botany	Written August 2019
Forensics	Written August 2019
AP Physics	Written & approved by College Board July 2020
<b>Social Studies</b>	<b>Supervisor: Rob Goodall</b>
Financial Planning	Written: July 2003; revised August 2012
Entrepreneurship	Written: August 2017; revised August 2018
US History I	Written: April 2011; revised August 2015
US History I Honors	Written: June 2011; revised August 2015
US History II	Written: April 2011; revised August 2015
US History II Honors	Written April 2011; revised April 2012; revised August 2015
AP American History	Written & approved by College Board 2007
Sociology	Written: April 2010; revised August 2015 <i>no longer offered</i>
History of Sports in America	Written: August 2017

AP Psych	Written & approved by College Board 2007
Psychology	Written: April 2010; revised August 2015
Holocaust/Genocide	Written: July 1998 revised: August 2012
Economics	Written: June 2010; revised August 2015
World History Honors	Written: April 2009; revised August 2015
World History	Written: April 2009; revised August 2015; revised August 2019
AP World History	Written and approved by College Board September 2016
AP Human Geography	Written and approved by College Board September 2016
AP US Government & Politics	Written & approved by College Board 2017; August 2018
AP Macro/Micro Economics	Written & approved by College Board 2018
Sports & Entertainment Management	Written: August 2020
LGBTQ/DPC Infusion Grades 9-12	Written/Infused August 2020
<b>Academy of Public Safety</b>	<b>Directors: Tim Clayton &amp; Jim Fagen</b>
Public Safety I	Written: August 2017; revised August 2019
Public Safety II	Written: August 2017
Criminal Investigations	Written: August 2017; revised August 2019
Introduction to Criminal Justice	Written: August 2018
Introduction to Criminology	Written: August 2018
Introduction to Criminal Justice	Written: August 2018
Public Safety Internship	Written August 2019
<b>World Language</b>	<b>Supervisor: Rob Goodall</b>
Italian I	Written: July 2015
Italian II	Written August 2016; revised August 2017
Italian II Honors	Written August 2016; revised August 2017
Italian III	Written August 2017
Italian III Honors	Written August 2017
Italian IV	Written: 2018
Italian IV Honors	Written: 2018
AP Italian	Written and approved by College Board August 2019
French I	Written: August 2007; revised August 2011; revised 2014; revised August 2018; revised August 2019
French II	Written: June 2009; August 2011; revised 2014
French II Honors	Written: August 2012; revised 2014
French III	Written: August 2012; revised 2014
French III Honors	Written: August 20; revised 2014; revised August 2018
French IV	Written: July 1997; revised: August 2012; 2014
French IV Honors	Written: July 2012; revised 2014; revised August 2018
French V	Written: July 2012; revised 2014
AP French Language & Culture	Written & approved by College Board 2009
Introduction to Spanish	Written: June 2012; revised August 2015

Spanish I	Written: July 2010; revised: July 2012; August 2015; revised August 2018
Spanish II	Written: August 2017
Spanish II Honors	Written: 2000; revised: July 2012; August 2015; revised August 2018
Spanish III	Written: August 2017
Spanish III Honors	Written: July 2000; revised: August 2012; August 2015; revised August 2019
Spanish IV	Written: July 2011; revised: August 2015
Spanish IV Honors	Written: August 2011; revised: August 2015
Spanish V	Written: July 2005; revised August 2012; August 2014; revised August 2018
Spanish AP Language & Culture	Written & approved by College Board 2014; rewritten August 2017

Manasquan Elementary/Middle School	
Language Arts Literacy	Written: August 2015; revised August 2016
Mathematics	Written: August 2011; revised August 2012; revised August 2017; revised August 2020 (Ready Math)
Algebra I (HS Course of Study)	Written August 2015; revised August 2017
Science K-8	Written August 2015; revised August 2016
Social Studies	Written: May 2006; revised: August 2012; revised August 2017; revised August 2018
Stem Grade 7	Written: June 2015; revised August 2019
Stem Grade 8	Written: August 2016; revised August 2019
Visual & Performing Arts	Written: August 2009; revised August 2014; revised August 2017; revised 2018
Technology Literacy	Written: August 2016
Comprehensive Health & Phys Ed	Written: August 2007; revised: August 2011; revised August 2015
French I (HS Course of Study)	Written: August 2007; revised August 2011; revised August 2014; revised August 2019
Spanish I (HS Course of Study)	Written: July 2010; revised: July 2012; August 2015; revised August 2019
Physical Education/Adaptive PE	Written August 2015; revised 2019 (Adaptive PE)
LGBTQ/DPC Infusion (SS &ELA) Grades 9-12	Written/Infused August 2020 (Ongoing)



**Graduation Dates:**

HS – June 23, 2021 (Rain or Shine)

ES – June 22, 2021

DOCUMENT I

# Manasquan Public Schools

## 2020-2021

### School Calendar

**High School Exam Dates**

Mid-Term Exams:

January 25, 26, 27, 28

Final Exams:

Grade 12: June 17, 18, 21, 22

Grades 9-11: June 18, 21, 22, 23

HS Back-To-School: TBD

HS PSAT: TBD

HS Open House: TBD

ES Back-To-School: TBD

Approved: 12/17/2019

Revised: 8/13/2020

/\_/ **SCHOOLS CLOSED**( ) **SCHOOLS REOPEN**[ ] **HIGH SCHOOL EXAM DAY****SEPTEMBER 2020**

S	M	T	W	T	F	S
		1	2	/3/	/4	5
6	7/	/8/	(9)	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

**OCTOBER 2020**

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

**NOVEMBER 2020**

S	M	T	W	T	F	S
1	2	3	4	/5	6/	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	/26	27/	28
29	30					

**DECEMBER 2020**

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	/24	25	26
27	28	29	30	31/		

**JANUARY 2021**

S	M	T	W	T	F	S
					/1/	2
3	(4)	5	6	7	8	9
10	11	12	13	14	15	16
17	/18/	19	20	21	22	23
24	[25]	[26]	[27]	[28]	/29/	30
31						

**Pupil Days****September**

(16)

3 Faculty Meeting/Staff In-Service

4-7 Labor Day Weekend – Schools Closed

8 Staff In-Service

9 Schools Open-Early Dismissal/Staff In-Service

10 Early Dismissal/Staff In-Service

**October**

(22)

**November**

(17)

2-4 ES Only Early Dismissal

5-6 NJEA Convention-Schools Closed

16 Early Dismissal/Staff In-Service

23-24 HS Only Early Dismissal

25 Thanksgiving Recess begins at 12:30p.m

26 Thanksgiving Day

27 Thanksgiving Recess

**December**

(17)

7 Early Dismissal/Staff In-Service

23 Holiday Recess begins at 12:30p.m

24-31 Holiday Recess

**January**

(18)

1 Holiday Recess

4 Schools Re-open

18 Martin Luther King Day

29 Faculty Only District In-Service

**February**

(15)

8-12 Winter Recess

15 Schools Re-open

**March**

(23)

8 Early Dismissal/Staff In-Service

22 Early Dismissal/Staff In-Service

**April**

(16)

2-9 Spring Recess

12 Schools Re-open

**May**

28-31 Memorial Day Weekend

(19)

**June**

23 Students' Last Day

24 Teachers' Last Day

(17)

Total Pupil Days: 180

Total Teacher Days: 184

THIS SCHEDULE IS SUBJECT TO EMERGENCY CHANGES & OTHER ADJUSTMENTS AS APPROVED BY THE BOARD AND/OR SUPERINTENDENT. **JANUARY 18, JANUARY 29 AND MAY 28** WILL BE USED AS A MAKE UP DAYS IF SNOW DAYS OCCUR. IF NECESSARY. ANY ADDITIONAL DAYS WILL BE MADE UP AT THE END OF THE SCHOOL YEAR. **NO PLANS SHOULD BE MADE THAT CANNOT BE ADJUSTED.**

**FEBRUARY 2021**

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	/8	9	10	11	12/	13
14	(15)	16	17	18	19	20
21	22	23	24	25	26	27
28						

**MARCH 2021**

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

**APRIL 2021**

S	M	T	W	T	F	S
				1	/2	3
4	5	6	7	8	9/	10
11	(12)	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

**MAY 2021**

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	/28	29
30	31/					

**JUNE 2021**

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	[17]	[18]	19
20	[21]	[22]	[23]	24	25	26
27	28	29	30			



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Remote Learning Options for Families

July 20

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[See **POLICY ALERT No. 221**]

### 1648.02 REMOTE LEARNING OPTIONS FOR FAMILIES

On July 24, 2020, the New Jersey Governor and the Commissioner of Education published a supplemental guidance document titled “Clarifying Expectations Regarding Fulltime Remote Learning Options for Families 2020-2021” as a result of the COVID-19 pandemic. This supplemental guidance includes an additional “anticipated minimum standard,” as this phrase is used throughout “The Road Back: Restart and Recovery Plan for Education” (NJDOE Guidance). This additional “anticipated minimum standard” provides that, in addition to the methods and considerations explicitly referenced in the NJDOE Guidance for scheduling students for in-person, remote, or hybrid learning, families/guardians (hereinafter referred to as “parents”) may submit, and school districts shall accommodate, requests for full-time remote learning.

Requests for full-time remote learning may include any service or combination of services that would otherwise be delivered to students on an in-person schedule, which may be a hybrid schedule, such as instruction, behavioral and support services, special education, and related services. A parent may request some services be delivered entirely remotely, while other services follow the same schedule they otherwise would according to the provisions in the school district’s Restart and Recovery Plan (Plan) and Policy 1648.

A parent may contact the Principal or designee of the building the student would attend with any questions on: a request to transition from in-person services to full-time remote learning; a request to transition from full-time remote learning to in-person services; the procedures of this Policy; and/or any other information regarding the school district’s Plan and Policy 1648.

To ensure clarity and consistency in implementation of full-time remote learning, the Board of Education adopts this Policy that addresses the following:

#### A. Unconditional Eligibility for Full-time Remote Learning

1. All students are eligible for full-time remote learning.



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Remote Learning Options for Families

- a. Eligibility for full-time remote learning cannot be conditioned on a parent demonstrating a risk of illness or other selective criteria.
- b. Unconditional eligibility for full-time remote learning includes students with disabilities who attend in-district schools or receiving schools (county special services school districts, educational services commissions, jointure commissions, Katzenbach School for the Deaf, regional day schools, college operated programs, and approved private schools for students with disabilities).

## B. Procedures for Submitting Full-time Remote Learning Requests

1. A parent may request a student receive full-time remote learning from the school district by submitting a written request to the Principal of the school building their child would attend. The written request shall be provided to the Principal at least 10 calendar days before the student is eligible to commence full-time remote learning in accordance with B.2. below.

2. The student may only begin full-time remote learning

**[Choose one or more of the following:**

\_\_\_at the beginning of the school year.

\_\_\_at the beginning of a marking period.

**X** at the beginning of a mid-year semester.

\_\_\_within \_\_\_ school days after receiving written approval of the Principal or designee.]

3. The written request for the student to receive full-time remote learning shall include:

- a. The student's name, school, and grade;



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## ADMINISTRATION

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### Remote Learning Options for Families

- b. The technology the student will be using to receive full-time remote learning, including the student's connectivity capabilities;
  - c. A request for any service or combination of services that would otherwise be delivered to the student on an in-person or hybrid schedule, such as instruction, behavioral and support services, special education, and related services;
  - d. For students with disabilities, the school district staff will determine if an Individualized Education Plan (IEP) meeting or an amendment to a student's IEP is needed for full-time remote learning; and
  - e. Any additional information the Principal or designee requests to ensure the student, when receiving remote learning, will receive the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs.
    - (1) The documentation required by the school district to be provided in the parent's request for full-time remote learning shall not exclude any students from the school district's full-time remote learning option, but rather be limited to the minimum information needed to ensure proper recordkeeping and implementation of successful remote learning.
4. Upon receiving the written request, the Principal or designee may request additional information from the parent to assist the Principal or designee in providing the student the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs.
5. The Principal or designee will review the written request and upon satisfaction of the procedures outlined in this Policy, the Principal or designee will provide written approval of the parent's request for full-time remote learning.



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Remote Learning Options for Families

- a. In the event the request does not satisfy the procedures outlined in this Policy, the Principal or designee will notify the parent in writing of the issues that need to be addressed by the parent to satisfy the procedures outlined in this Policy.
6. The Principal's written approval of the request shall be provided to the parent within 5 calendar days of receiving the parent's written request.
  - a. The written approval will include the date the remote learning program will commence for the student in accordance with B.2. above.

## C. Scope and Expectations of Full-Time Remote Learning

1. The scope and expectations of the school district's full-time remote learning program will include, but not be limited to, the following:
  - a. The length of the school day pursuant to N.J.A.C. 6A:32-8.3 and compliance with the Board's Attendance Policy and Regulation 5200; the provisions of the district's remote learning program outlined in the school district's Plan; and any other Board policies and regulations that govern the delivery of services to, and district expectations of, students participating in the remote learning program and their families;
  - b. The technology and the connectivity options to be used and/or provided to the student during remote learning; and
  - c. Any additional information the Principal or designee determines is needed to ensure the student, when receiving remote learning, will receive the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs (i.e. students participating in a hybrid model).



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### Remote Learning Options for Families

- (1) This includes, for example, access to standards-based instruction of the same quality and rigor as afforded all other students of the district, the district making its best effort to ensure that every student participating in remote learning has access to the requisite educational technology, and the provision of special education and related services to the greatest extent possible.

- d. The school district will endeavor to provide supports and resources to assist parents, particularly those of younger students, with meeting the expectations of the school district's remote learning option.

#### D. Procedures to Transition from Full-Time Remote Learning to In-Person Services

1. A parent may request their student transition from full-time remote learning to in-person services, if in-person services are being provided, by submitting a written request to the Principal of the building the student will attend. This request must be submitted at least 10 calendar days before the student is eligible for in-person services.
2. A student is only eligible to transition from full-time remote learning to in-person services commencing

#### **[Choose one or more of the following:**

\_\_\_at the beginning of the school year.

\_\_\_at the beginning of a marking period.

X at the beginning of a mid-year semester.

\_\_\_within \_\_\_ school days after receiving written approval of the Principal or designee.]



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### Remote Learning Options for Families

3. The written request from the parent for the student to transition from full-time remote learning to in-person services shall include:
  - a. The student's name, school, and grade;
  - b. The in-person program may only commence for a student transitioning from full-time remote learning to in-person services in accordance with D.2. above; and
  - c. Any additional information the Principal or designee determines would be important on the student's transition from full-time remote learning to in-person services.
4. A student previously approved for remote learning wanting to transition into the school district's in-person program must spend at least

**[Choose one or more of the following:**

\_\_\_one marking period in remote learning before being eligible to transition into the school district's in-person program.

**X**one semester (1/2 school year) in remote learning before being eligible to transition into the school district's in-person program.

\_\_\_ school days in remote learning before being eligible to transition into the school district's in-person program.]

- a. This will allow parents to make the arrangements needed to effectively serve students' home learning needs and will support educators in ensuring continuity of instruction for the student.
5. The Principal or designee will review the request for compliance with this Policy, and upon satisfaction of the procedures in this Policy, will provide the parent of the student a written approval of the student entering the school district's in-person program.



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### Remote Learning Options for Families

- a. In the event the request does not satisfy the procedures outlined in this Policy, the Principal or designee will notify the parent in writing of the issues that need to be addressed by the parent to satisfy the procedures outlined in this Policy.
6. Upon approval of the student's transition from full-time remote learning to in-person services, the school district will provide specific student and academic services to better assist parents anticipate their student's learning needs and help educators maintain continuity of services.
7. School districts that offer Pre-K will consult their Pre-K curriculum providers regarding appropriate measures to assess a Pre-K student's learning progress during the transition from full-time remote learning to in-person learning.

#### E. Reporting

1. To evaluate full-time remote learning, and to continue providing meaningful guidance for school districts, it will be important for the New Jersey Department of Education (NJDOE) to understand the extent and nature of demand for full-time remote learning around the State.
  - a. The school district will be expected to report to the NJDOE data regarding participation in full-time remote learning. Data will include the number of students participating in full-time remote learning by each of the following subgroups: economically disadvantaged; major racial and ethnic groups; students with disabilities; and English learners.

#### F. Procedures for Communicating District Policy with Families

1. The school district will have clear and frequent communication with parents, in their home language, to help ensure this important flexibility is as readily accessible as possible. Communication must include, at a minimum, information regarding:



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### Remote Learning Options for Families

- a. Summaries of, and opportunities to review, the school district's full-time remote learning Policy/Plan;
  - b. Procedures for submitting full-time remote learning requests in accordance with B. above;
  - c. Scope and expectations of full-time remote learning in accordance with C. above;
  - d. The transition from full-time remote learning to in-person services and vice-versa in accordance with B. and D. above; and
  - e. The school district's procedures for ongoing communication with families and for addressing families' questions or concerns.
- G. Home or Out-of-School Instruction
- 1. No provision of this Policy supersedes the district's requirements to provide home or out-of-school instruction for the reasons outlined in N.J.S.A. 18A, N.J.A.C. 6A, or any applicable Board policy unless determined otherwise by the Superintendent or designee.

[See the District's Restart and Recovery Plan – Appendix Q for the protocols/procedures for “Remote Learning Options for Families” which is outlined in the school district's Restart and Recovery Plan.]

New Jersey Department of Education Guidance Document:  
“Clarifying Expectations Regarding Fulltime Remote Learning  
Options for Families 2020-2021”

Adopted:





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Restart and Recovery Plan

July 20

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[See **POLICY ALERT No. 221**]

### 1648 RESTART AND RECOVERY PLAN

On June 26, 2020, the New Jersey Department of Education (NJDOE) published “The Road Back - Restart and Recovery Plan for Education” (Guidance), a guidance document for reopening New Jersey schools during the COVID-19 pandemic. The Guidance provided school officials with the information necessary to ensure that schools reopen safely and are prepared to accommodate staff and students’ unique needs during these unprecedented times. The NJDOE required school districts in the State to develop, in collaboration with community stakeholders, a “Restart and Recovery Plan” (Plan) to reopen schools that best fits the district’s local needs.

The Guidance requires the Board of Education to adopt certain policies and the Board adopts Policy 1648 to address those policy requirements in the Guidance. Policy 1648 shall only be effective through the current COVID-19 pandemic and will take precedence over any existing Policy on the same or similar subject, unless determined otherwise by the Superintendent.

#### A. NJDOE Guidance – Key Subject Area 1 – Conditions for Learning

##### 1. Transportation

- a. If the school district is providing transportation services on a district-owned school bus, but is unable to maintain social distancing, a face covering must be worn upon entering the school bus by all students who are able to do so in accordance with A.2.c. below.
  - (1) Accommodations for students who are unable to wear a face covering should be addressed according to that student's particular need and in accordance with all applicable laws and regulations.
- b. The school district shall use best practices for cleaning and disinfecting district-owned school buses and other transportation vehicles in accordance with A.3. below.



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### Restart and Recovery Plan

- c. District-employed school bus drivers and aides on district-owned school buses shall practice all safety actions and protocols as indicated for other school staff.
- d. If the school district is using contracted transportation services, the contractor shall ensure all Board of Education safety actions and protocols are followed by the contractor and its employees and/or its agents.

[See Policy Guide 1648 – Appendix C for the protocols/procedures for “Transportation” which is also included in the school district’s Restart and Recovery Plan.]

#### 2. Screening, Personal Protective Equipment (PPE), and Response to Students and Staff Presenting Symptoms

- a. The school district shall screen students and employees upon arrival to a school building or work location for COVID-19 symptoms and a history of exposure.
  - (1) School staff must visually check students and employees for symptoms upon arrival (which may include temperature checks) and/or confirm with families that students are free of COVID-19 symptoms.
  - (2) Health checks must be conducted safely and respectfully, and in accordance with any applicable privacy laws and regulations.
  - (3) Results must be documented when signs/symptoms of COVID-19 are observed.
  - (4) The screening protocol will take into account students and employees with disabilities and accommodations that may be needed in the screening process for those students and employees.



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### Restart and Recovery Plan

- (5) Students and employees with symptoms related to COVID-19 must be safely and respectfully isolated from others.
- (6) If the school district becomes aware that an individual who has spent time in a school district facility tests positive for COVID-19, district officials must immediately notify local health officials, staff, and families of a confirmed case while maintaining confidentiality.
- b. School staff and visitors are required to wear face coverings unless doing so would inhibit the individual's health or the individual is under two years of age.
  - (1) If a visitor refuses to wear a face covering for non-medical reasons and if such covering cannot be provided to the individual at the point of entry, the visitor's entry to the school/district facility may be denied.
- c. Students are strongly encouraged to wear face coverings and are required to do so when social distancing cannot be maintained, unless doing so would inhibit the student's health. It is also necessary to acknowledge that enforcing the use of face coverings may be impractical for young children or individuals with disabilities.
  - (1) Accommodations for students who are unable to wear a face covering should be addressed according to that student's need and in accordance with all applicable laws and regulations.



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### Restart and Recovery Plan

#### d. Exceptions to the Requirement for Face Coverings

- (1) Doing so would inhibit the individual's health.
- (2) The individual is in extreme heat outdoors.
- (3) The individual is in water.
- (4) A student's documented medical condition, or disability as reflected in an Individualized Education Program (IEP), precludes the use of a face covering.
- (5) The student is under the age of two and could risk suffocation.

[See Policy Guide 1648 – Appendix E for the protocols/procedures for “Screening, PPE, and Response to Students and Staff Presenting Symptoms” which is also included in the school district’s Restart and Recovery Plan.]

#### 3. Facilities Cleaning Practices

- a. The school district must continue to adhere to existing required facilities cleaning practices and procedures and any new specific requirements of the local health department as they arise.
- b. A procedure manual must be developed to establish cleaning and disinfecting schedules for schools and school equipment, targeted areas to be cleaned, and methods and materials to be used.

[See Policy Guide 1648 – Appendix G for the protocols/procedures for – “Facilities Cleaning Practices” which is also included in the school district’s Restart and Recovery Plan.]

#### 4. Wraparound Supports

- a. Mental Health Supports



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### Restart and Recovery Plan

The school district's approach to student mental health supports will be affected by the learning environment in place at the beginning of the school year. If in-person instruction is not feasible, the district must find other ways to assess and monitor students' mental health.

[See Policy Guide 1648 – Appendix K for the protocols/procedures for “Academic, Social, and Behavioral Supports” which is also included in the school district's Restart and Recovery Plan.]

#### 5. Contact Tracing

- a. Upon notification that a resident has tested positive for COVID-19, the local health department will call the school district to determine close contacts to whom they may have spread the virus, where close contact is defined as being within six feet for a period of at least ten minutes.
- b. The school district shall assist the local health department in conducting contact tracing activities, including ongoing communication with the identified individual and/or their contacts.
- c. The school district shall ensure adequate information and training is provided to the staff as necessary to enable staff to carry out responsibilities assigned to them.
- d. A staff liaison(s) shall be designated by the Superintendent or designee and shall be responsible for providing notifications and carrying out other components that could help ensure notifications are carried out in a prompt and responsible manner.
- e. School districts shall allow staff, students, and families to self-report symptoms and/or suspected exposure.

[See Policy Guide 1648 – Appendix F for the protocols/procedures for “Contact Tracing” which is also included in the school district's Restart and Recovery Plan.]



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Restart and Recovery Plan

## B. NJDOE Guidance – Key Subject Area 2 – Leadership and Planning

### 1. Scheduling

- a. The school district's Plan must account for resuming in-person instruction and shall provide steps to shift back to virtual learning models if circumstances change and in-person instruction guidelines can no longer be followed.
- b. The school district's Plan accommodates opportunities for both synchronous and asynchronous instruction, while ensuring requirements for a 180-day school year are met.
- c. The school district recognizes special populations will require unique considerations to ensure the continuity of learning as well as the health and safety of students and staff within the least restrictive environment.
  - (1) Special Education and English Language Learners (ELL)
    - (a) The school district shall provide educators with professional development to best utilize the accessibility features and accommodations tools made available through technology-based formats in accordance with this Policy.
    - (b) The school district shall continue to ensure students receive individualized supports that meet the requirements of the IEP and 504 Plans.

[See Policy Guide 1648 – Appendix N for the protocols/procedures for “Scheduling of Students” which is also included in the school district’s Restart and Recovery Plan.]



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## 2. Staffing

- a. The school district shall comply with all applicable employment laws when making staffing and scheduling requirements, including, but not limited to, the Americans Disabilities Act (ADA), the Health Insurance Portability and Accountability Act (HIPPA), and all applicable State laws.
- b. As the school district adjusts schedules, teaching staff members must maintain quality instruction for students pursuant to the minimum requirements set forth in NJDOE regulation.

[See Policy Guide 1648 – Appendix O for the protocols/procedures for “Staffing” which is also included in the school district’s Restart and Recovery Plan.]

## C. NJDOE Guidance – Key Subject Area 3 – Policy and Funding

### 1. School Funding

#### a. Purchasing

The school district may likely need to purchase items not needed in the past and may experience increased demand for previously purchased goods and services to implement the Plan. The school district shall continue to comply with the provisions of the “Public School Contracts Law”, N.J.S.A. 18A:18A-1 et seq.

#### b. Use of Reserve Accounts, Transfers, and Cashflow

The school district shall apply for the approval from the Commissioner of Education, prior to performing certain budget actions, such as withdrawing from the emergency reserve account or making transfers that cumulatively exceed ten percent of the amount originally budgeted.



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Restart and Recovery Plan

c. Costs and Contracting

The school district shall follow all New Jersey State laws and regulations applicable to local school districts for purchasing when procuring devices and connectivity or any technology related item.

D. NJDOE Guidance – Key Subject Area 4 – Continuity of Learning

1. Ensuring the Delivery of Special Education and Related Services to Students with Disabilities

- a. The school district shall continue to meet their obligations to students with disabilities to the greatest extent possible.

2. Professional Learning

- a. The school district shall prepare and support teaching staff members in meeting the social, emotional, health, and academic needs of all students throughout the implementation of the Plan.

(1) Professional Learning

- (a) The school district shall grow each teaching staff member's professional capacity to deliver developmentally appropriate standards-based instruction remotely.

(2) Mentoring and Induction

- (a) The school district shall ensure:
- (i) All novice provisional teachers new to the district be provided induction;
- (ii) One-to-one mentoring is provided to novice provisional teachers by qualified mentors;





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### Restart and Recovery Plan

- (iii) Mentors can provide sufficient support and guidance to novice provisional teachers working in a remote environment;
- (iv) Mentoring is provided in both hybrid and fully remote learning environments and that mentors and provisional teachers will agree upon scheduling, structure, and communication strategies they will use to maintain the mentoring experience; and
- (v) The use of online collaborative tools for school staff to remain connected to other mentors, new teachers, and administrators to maintain a sense of communal support.

#### (3) Evaluation

- (a) The school district has considered the requirements and best practices with provisional status teachers, nontenured educators, and those on Corrective Action Plans (including extra observations, extra observers, assuring more frequent feedback and face-to-face).

#### 3. Career and Technical Education (CTE)

- a. The school district shall implement innovative learning models for new learning environments regarding CTE.
- b. Quality CTE Programs

The school district shall ensure students have access to appropriate industry-recognized, high-value credentials.



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c. Work-Based Learning

The school district will ensure students are provided the opportunity to participate in safe work-based learning, either remotely (simulations, virtual tours, etc.) or in-person.

New Jersey Department of Education “The Road Back – Restart and Recovery Plan for Education”



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## Appendices

### Appendix C

#### Critical Area of Operation #3 - Transportation

##### Transportation To and From School

- The District does not provide transportation for Manasquan resident students.
- Students attending Manasquan High School from a sending district (Avon-by-the-Sea, Belmar, Brielle, Sea Girt, Spring Lake, or Spring Lake Heights) should consult with their sending district regarding transportation guidelines.

##### Transportation for Athletics

- Sports transportation will tentatively be provided, however it is unclear as of this writing if athletic events requiring student-athlete transportation will be taking place while this plan is in effect.
- Should any transportation for athletic events occur, all athletes and coaches will be required to wear a face covering while on the bus.
- Parents will be encouraged to provide transportation for their own children, if possible, to any games to minimize the number of athletes on the bus.

##### Field Trips

- All field trips are suspended while this plan is in effect.
- Should an exception be made and a field trip be approved by the Board of Education that requires transportation, any requirements in place for transportation for athletics outlined above will apply.



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## Appendix E

### Critical Area of Operation #5

#### Screening, Personal Protection Equipment (PPE), and Response to Students and Staff Presenting Symptoms

##### Screening

The Board of Education has adopted Policy #1648 – Restart and Recovery Plan - which establishes the following screening requirements:

The school district shall screen students and employees upon arrival to a school building or work location for COVID-19 symptoms and a history of exposure.

- (1) School staff must visually check students and employees for symptoms upon arrival (which may include temperature checks) and/or confirm with families that students are free of COVID-19 symptoms.
- (2) Health checks must be conducted safely and respectfully, and in accordance with any applicable privacy laws and regulations.
- (3) Results must be documented when signs/symptoms of COVID-19 are observed.
- (4) The screening protocol will take into account students and employees with disabilities and accommodations that may be needed in the screening process for those students and employees.
- (5) Students and employees with symptoms related to COVID-19 must be safely and respectfully isolated from others.
- (6) If the school district becomes aware that an individual who has spent time in a school district facility tests positive for COVID-19, district officials must immediately notify local health officials, staff, and families of a confirmed case while maintaining confidentiality.

Screening will occur at all building entry points established for students and staff. This will include:

- A temperature screening of all individuals entering the building.  
Temperature screening will be done with either a handheld infrared thermometer by a staff member trained to use it or using a walk-through device equipped with an infrared thermometer that visually reports the individual's temperature.
- A visual inspection of all individuals entering the building by a staff member trained in COVID-19 symptom identification.
- A verbal confirmation that the individual is not experiencing any of the symptoms of COVID-19 which will be posted on a sign near the entry point.



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## Personal Protective Equipment (PPE)

Appropriate personal protective equipment (PPE) will be provided to all staff and students as needed. For most individuals, this will be a cloth or paper face covering. While students and staff are encouraged to bring their own face coverings that they are comfortable wearing, the District will provide these at school as needed.

School nurses will be provided with additional PPE which may include face shields, N95 masks, surgical gowns, etc. since they may possibly be called to assist a student exhibiting symptoms of illness.

Teachers in special teaching situations may request additional or modified PPE through their supervisor or building principal (e.g. clear face coverings). Students or staff requiring additional PPE as part of their own disability or medical condition will be reasonably accommodated and should provide written documentation to the school nurse or building principal, as appropriate.

## Face Coverings

Please refer to “Critical Area of Operation #1 - General Health and Safety Guidelines” for the requirements on wearing of face coverings.

## Response to Students and Staff Presenting Symptoms

The District will encourage parents to be alert for signs of illness in their children and keep them home when they are sick.

Students and staff with symptoms related to COVID-19 will be safely and respectfully isolated from others at a designated area for each building. If it is determined by a school nurse or other medical professional that student or staff member has sustained symptoms consistent with those of COVID-19 they will be removed from the school as soon as possible and not permitted to return until medical clearance is obtained.

If the District becomes aware that an individual who has spent time in a district facility tests positive for COVID-19, central administration will immediately notify the Monmouth County Health Department, staff, and families of a confirmed case while maintaining confidentiality.

Anyone (student or staff) who was a close contact with an individual who tests positive for COVID-19 will be required to quarantine for 14 days unless otherwise directed by the Monmouth County Health Department. These individuals will be transitioned to fully remote learning as soon as possible and



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may continue learning from home or teaching from home during the quarantine period.

Based on Monmouth County Health Department guidance, an individual placed in a 14-day quarantine cannot “test out” of the quarantine period with a negative COVID-19 test. Due to the incubation period of the virus, symptoms may not appear immediately or even after several days and a negative test before symptoms appear does not supersede the 14-day quarantine requirement.



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## Appendix F Critical Area of Operation #6 Contact Tracing

The District will work cooperatively with the Monmouth County Health Department in reporting and identifying close contacts of an individual associated with the school who has tested positive for COVID-19. This will include:

- Records of groups/cohorts
- Assigned staff
- Daily attendance

Unless otherwise directed by the Health Department, a close contact is defined as being within six feet for a period of at least 10 minutes.

School and district administrators, school safety specialists, counselors, and any other staff deemed appropriate by the Superintendent or designee will be provided information regarding the role of contact tracing conducted by State, county, and local officials. This information shall include the resources for contact tracing included in Appendix B of the NJDOE Guidance.



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## Appendix G

### Critical Area of Operation #7 Facilities Cleaning Practices

The District will adhere to existing required facilities cleaning practices and procedures, and any new specific requirements of the local health department as they arise. Enhanced cleaning and disinfecting measures including the following will be implemented:

- Bathrooms will be cleaned and disinfected hourly.
- Classrooms will be disinfected during the school day and nightly.
- Common areas (e.g. cafeterias) will be disinfected between each group of students using them.
- Regular sanitization and disinfecting of all hard, nonporous surfaces and common touch points (e.g. door handles, water fountains, cafeteria tables) will occur during the school day using EPA-approved broadband Q256 and RX75, hospital level disinfectants and virucides and electrostatic sprayers which kill human Coronavirus within two minutes.

Drinking fountains will be shut off and only water bottle filling stations will be available. Staff and students will be encouraged to bring refillable water bottles.





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## Appendix K

### Academic, Social, and Behavioral Supports

Ensuring staff and students' physical health and safety is only the first step to optimizing conditions for learning. The District recognizes that academic, social, behavioral supports can unlock educator capacity to teach and student capacity to learn.

The District will use the following general strategies to ensure the transition back to school is a successful one for both students and educators:

- Student social and emotional health prioritized by school counselors.
- Pro-active family engagement by District staff.
- Mental health supports provided by school counselors
- Academic enrichment program for grades 1-9 provided in August 2020.
- Academic extra help and virtual "office hours" provided by teachers.
- Intervention and Referral Services team meetings.
- Child Study Team evaluations and identifications of students.



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## Appendix N Scheduling of Students

The District will resume in-person instruction for students for the 2020-2021 school year based on its school calendar.

The schedules outlined below were informed by careful evaluation of the health and safety standards and the most up-to-date guidance from the New Jersey Department of Health (NJDOH), as well the input of stakeholders about the needs of all students and the realities unique to the District.

In accordance with N.J.A.C. 6A:32-8.3, the District's in-person school days shall consist of not less than four hours. In cases where remote learning is used for a full-school day (i.e. high school alternating remote days or fully remote learning option) this requirement shall be met through synchronous remote instruction or asynchronous remote activities.

### Manasquan Elementary School (Grades K – 8)

- Students attend full-day sessions every day following normal bell schedule.
- All classes are self-contained for the full school day.
- Special subjects and interventionists will “push-in” to self-contained classrooms to limit intermingling of student groups.
- Certain small-group “pull-out” activities will take place for students requiring these interventions.

### Manasquan High School (Grades 9-12)

Manasquan High School will implement a blended learning schedule to reduce the number of students physically in school on any given day.

- High school students will be divided into a blue group and gray group who attend school in-person on alternating days.
- On days when students are not attending school in-person they will be required to check-in and complete assignments virtually in the Canvas learning management system.
- A modified 9-period day schedule will be used for in-person students.
- The modified schedule will consist of 8, 45-minute class periods and a 25-minute lunch period.
- Most teacher schedules will provide dedicated time for virtual “office hours” where the teacher will be available online for student questions or extra help.



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## Appendix O Staffing

District staff will be leveraged to monitor student movement, hallway traffic, and maintain safety according to the guidelines included in this plan.

Instructional staff will:

- Reinforce social distancing protocol with students and co-teacher or support staff.
- Limit group interactions to maintain safety.
- Support school building safety logistics (entering, exiting, restrooms, etc.).
- Become familiar with district online protocols and platforms.
- Plan standards-based lessons to meet the needs of students at various levels, ensuring versatility of lessons to apply to both fully in-person and hybrid learning environments.
- Develop predictable routines and structures for students while maintaining student engagement through varied instructional strategies/modalities.
- Provide regular feedback to students and families on expectations and progress.
- Set clear expectations for remote and in-person students.
- Assess student progress early and often and adjust instruction and/or methodology accordingly.
- Develop opportunities for real-time interactions with students (office hours, virtual meetings, etc.).
- Instruct and maintain good practice in digital citizenship for all students and staff.
- Instructional staff with additional capacity or limited time spent with students may assist with school building and safety logistics.

Teacher leaders or instructional coaches should support teachers in making necessary curricular adjustments and continuously improving the quality of instruction in remote and hybrid environments.

Administrators - in addition to administrators' non-instructional responsibilities, to ensure quality of continued learning in-person or virtually, administrators will:

- Consider roles for staff with health concerns, leveraging them to enhance the virtual learning environment and inform in-person instruction.
- Provide time for staff collaboration and planning (See Scheduling section).
- Prioritize vulnerable student groups for face-to-face instruction.
- Identify teachers and teacher leaders that may provide support to staff to continuously improve instruction in a virtual environment.



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- Work with staff and faculty to ensure that teaching and learning, and all student services are effectively and efficiently developed, planned, and delivered.
- Hone collaboration, cooperation, and relationship building skills using alternative methods to remain connected to virtual instruction.
- Define and provide examples of high-quality instruction given context and resources available.
- Assess teacher, student, and parent needs regularly.
- Ensure students and parents receive necessary supports to ensure access to instruction.
- Communicate expectations for delivering high-quality instruction, assessing, and monitoring student progress in the virtual environment, in accordance with NJDOE's Professional Standards for Teachers and NJ Professional Standards for Leaders (N.J.A.C. 6A:9).
- Plan a process to onboard students and reestablish the classroom environment through emphasizing relationships with students and parents and resetting routines.
- Collaborate on curriculum planning and assessing student academic and social emotional well-being when students return to school.
- Create feedback loops with parents and families about students' academic and social emotional health and well-being, through use of remote learning conferences and/or surveys to parents about their child's experience and learning while out of school.
- Share a comprehensive account of academic interventions and social emotional and mental health support services available through the district.
- Create and communicate realistic student schedules to increase student engagement and accountability for both hybrid and remote learning models.
- Collaborate in determining expectations for differentiated instruction and rigor in hybrid and remote learning models.
- Support families in connecting with teachers and other services they need to be successful in navigating the virtual environment.

Adopted:



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Religion in the Schools  
June 20

[See POLICY ALERT Nos. 164 and 220]

## 2270 RELIGION IN THE SCHOOLS

The Board of Education recognizes that religious belief and disbelief are matters of personal conviction rather than governmental authority and the students of this district are protected by the First Amendment of the United States Constitution and by Article I, Paragraph 4 of the New Jersey State Constitution from the establishment of religion in the schools. **The First Amendment requires public school officials will to show be neutral in their treatment of religion in the school district, showing** neither favoritism toward nor hostility against religious expression **such as prayer. Accordingly, devotional exercises will be permitted in this district.**

**The United States Department of Education's Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools (USDOE Guidance) provides information on the current state of the law concerning religious expression in public schools.**

The following activities **as outlined in the USDOE Guidance** will be permitted **upon applying the governing constitutional principles in particular contexts related to:** ~~in the school district provided the activity is consistent with current United States Supreme Court decisions regarding the relationship between government and religion:~~ prayer during **non-instructional time**; organized prayer groups and activities; **teachers, administrators, and other school employees' activities; moments of silence; accommodations for prayer during instructional time;** ~~religious expression and~~ prayer in classroom assignments; student assemblies and ~~extra-curricular~~ **noncurricular** events; prayer at graduation; **and/or** baccalaureate ceremonies; ~~devotional exercises and other prayer and/or religion related activities.~~

The following activities as outlined in the USDOE Guidance will be permitted upon applying the governing constitutional principles in particular contexts related to religious expression: **religious literature; teaching about religion; student dress codes and policies; and/or religious excusals.** ~~The school district will not permit an activity if the activity advances or inhibits any particular religious expression that is protected by the First Amendment of the United States Constitution.~~



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Religion in the Schools

The Equal Access Act, 20 U.S.C. Section 4071, is designed to ensure that student religious activities are afforded the same access to Federally funded public secondary school facilities as are student secular activities. The United States Department of Justice has developed guidance for interpreting the Equal Access Act's requirements outlined in the USDOE Guidance in the area of general provisions, prayer service and worship exercises, means of publicized meetings, lunch-time and recess, and leadership of religious student groups.

~~The Board believes that an understanding of religions and the contributions that religion has made to the advancement of civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, the curriculum may be developed to include, as appropriate to the various ages and attainments of the students, instruction about the religions of the world.~~

~~The Board also acknowledges the degree to which a religious consciousness has enriched the arts, literature, music, and issues of morality. The instructional and resource materials approved for use in the schools of this district frequently contain religious references or concern moral issues that have traditionally been the focus of religious concern. That such materials may, therefore, be religious in nature shall not, by itself, bar their use by the district. The Board directs that teaching staff members employing such materials be neutral in their approach and avoid using them to advance or inhibit religion in any way.~~

~~The Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes. The curriculum is chosen for its place in the thorough and efficient education of the children of this district, not for its conformity to religious principles. Students should receive unbiased instruction in the schools so that they may privately accept or reject the knowledge so gained in accordance with their own religious tenets.~~



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Religion in the Schools

**Any issues regarding religion in the schools and the provisions of this Policy shall be referred to the Superintendent of Schools who may consult with the Board Attorney.**

U.S. Const. Amend. 1

**The Equal Access Act, 20 U.S.C. Section 4071**

U.S. Department of Education - Guidance on Constitutionally Protected  
Prayer in Public Elementary and Secondary Schools – ~~February 7, 2003~~

**January 16, 2020**

N.J. Const. (1947) Art. 1, para. 4

N.J.S.A. 18A:35-4.6 et seq.; 18A:36-16

Adopted:



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~~Practice and Pre-Season Heat Acclimation for  
School-Sponsored Athletics and Extra-Curricular Activities~~

**Heat Participation Policy for Student-Athlete Safety**

June 20

**M**

[See POLICY ALERT Nos. 190, 217, and 220]

2431.3 PRACTICE AND PRE-SEASON HEAT ACCLIMATION FOR  
SCHOOL-SPONSORED ATHLETICS AND EXTRA-CURRICULAR  
ACTIVITIES

**HEAT PARTICIPATION POLICY FOR STUDENT-ATHLETE SAFETY**

The Board of Education adopts this Policy as a measure to protect the safety, health, and welfare of students participating in school-sponsored athletic programs and extra-curricular activities. The Board believes practice and pre-season heat participation guidelines for students will minimize injury and enhance a student's health, performance, and well-being.

In accordance with the provisions of N.J.S.A. 18A:11-3.10, a school district which is a member of any voluntary association, pursuant to N.J.S.A. 18A:11-3, which oversees activities associated with Statewide interscholastic sports programs shall adopt and implement the most current "Heat Participation Policy" required by the New Jersey State Interscholastic Athletic Association (NJSIAA) for conducting practice or games in all sports during times of high heat or humidity.

The NJSIAA Policy shall address:

1. The scheduling of practice or games during times of various heat and humidity levels;
2. The ratio of time devoted to workouts to time allotted for rest and hydration during various heat and humidity levels; and
3. The heat and humidity levels at which practice or games will be canceled.

The guidelines included in the NJSIAA Heat Participation Policy shall provide a default Policy to those responsible or sharing duties for making decisions concerning the implementation of modifications or cancellation of practices or games based on the presence of heat and humidity.





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~~Practice and Pre-Season Heat Acclimation for  
School-Sponsored Athletics and Extra-Curricular Activities~~  
**Heat Participation Policy for Student-Athlete Safety**

The Board of Education shall purchase a WetBulb Globe Temperature (WBGT) tool to measure the heat stress in direct sunlight at the practice or game site. Heat stress consists of temperature, humidity, wind speed, the angle of the sun, and cloud coverage.

The Board of Education shall adopt and implement the provisions of the NJSIAA Heat Participation Policy concerning the frequency and recording of WBGT measurements.

The provisions and requirements of this Policy and of the NJSIAA current Heat Participation Policy, which shall be utilized in conjunction with the current NJSIAA Pre-Season Heat Acclimatization Policy, shall be carried out by the Athletic Trainer, certified designee, or individual as appointed by the school staff member designated by the Superintendent to supervise athletics, which may include a coach or individual responsible for sharing duties for making decisions concerning the implementation of modifications or cancellation of practices and games based on WBGT measurements.

A copy of this Policy and NJSIAA's current Heat Participation Policy and Pre-Season Heat Acclimatization Policy shall be provided to each coach, as appropriate, and reviewed with all coaches by the Principal or designee which may include, but not be limited to, the Athletic Trainer or staff member supervising athletics as designated by the Superintendent prior to the first practice session of the season for each team. The Superintendent shall designate the staff member responsible to ensure compliance with this Policy and NJSIAA's current Heat Participation Policy and Pre-Season Heat Acclimatization Policy.

This Policy and the requirements outlined in this Policy shall apply to all student-athletes in grades nine through twelve participating in Statewide high school interscholastic athletic programs.



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~~Practice and Pre-Season Heat Acclimation for~~  
~~School-Sponsored Athletics and Extra-Curricular Activities~~  
**Heat Participation Policy for Student-Athlete Safety**

**[Option**

The school district will implement provisions of this Policy as determined by the Superintendent or designee for student-athletes participating in athletic programs other than students in grades nine through twelve to include students in grades \_6\_ through \_12\_.]

N.J.S.A.18A:11-3.10

New Jersey State Interscholastic Athletic Association Heat Participation  
Policy and Pre-Season Heat Acclimatization Policy

Adopted:



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Student Assessment  
June 20  
M

[See **POLICY ALERT** Nos. **120, 135, 147, 153, 168, 170, 197, 205, 209, 211, and 220**]

## 2622 STUDENT ASSESSMENT

The Commissioner of Education, in accordance with N.J.S.A. 18A:7C-1 et seq. and 18A:7E-2 and 3, may implement assessments of student achievement in any grade(s) and by such assessments as he or she deems appropriate. The Commissioner shall report to the State Board of Education the results of such assessments.

The Commissioner shall implement a system and related schedule of Statewide assessments to evaluate student achievement of the New Jersey Student Learning Standards (NJSLS). The Commissioner, with the approval of the State Board of Education, shall define the scope and level of student performance on Statewide assessments that demonstrate thorough understanding of the knowledge and skills delineated by the NJSLS at grade levels three through twelve. After consultation with the Commissioner, the State Board of Education shall establish by resolution uniform Statewide criteria defining adequate school district progress toward meeting the NJSLS.

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

Pursuant to N.J.A.C. 6A:8-4.1(b) and (c), all students at grade levels three through twelve, and at any other grade(s) designated by the Commissioner pursuant to N.J.A.C. 6A:8-4.1(a), shall take all appropriate Statewide assessments as scheduled. There is no provision for a student to opt-out of Statewide assessments. If a student is absent on a testing date, the student will be expected to take the missed test on another school day. Parents and students will be informed of all scheduled testing dates, including make-up testing dates for students who missed the initial testing date.



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Student Assessment

## Statewide Assessment System

The Superintendent of Schools shall develop and annually present to the Board for its approval an assessment program that complies with the rules of the State Board of Education.

The Board of Education shall, according to a schedule prescribed by the Commissioner, administer the applicable Statewide assessments, including the following major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight; the high school end-of-course ~~PARCC~~ assessments; and the alternative assessment for students with disabilities; and provide notification to each student entering grades three through twelve of the Statewide assessment schedule.

The Department of Education shall implement the elementary component of the Statewide assessment of the NJSLS consisting of continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade ~~four~~five.

The Department of Education shall implement the middle school component of the Statewide assessment of the NJSLS consisting of the following: continued administration of mathematics and English language arts in grades six, seven, and eight; and of science in grade eight.

The Department of Education shall implement a high school assessment program component of the NJSLS that assesses, at a minimum, English language arts, mathematics, and science with the exception that students may receive a waiver from the Board of Education from taking the high school end-of-course ~~PARCC~~ assessment in ELA 11 due to the student's participation in another English language/literature college placement assessment during the same school year.

The Board shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department of Education for English Language Learners (ELLs) and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the IEP or 504 Team in accordance with N.J.A.C. 6A:8-4.1(d)1. The Board may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English. The Board of Education



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shall have the option for a first-year ELL of substituting a Department of Education-approved language proficiency test only for the English language arts section of the elementary or middle school component of the Statewide assessment, when the student has entered the United States after July 1 of the calendar year prior to the test administration.

The Board of Education shall ensure students with disabilities as defined in N.J.A.C. 6A:14-1.3 participate in Statewide assessments in accordance with N.J.A.C. 6A:14-4.10.

At specific times prescribed by the Commissioner of Education, the Board of Education shall administer the alternative assessment for students with disabilities to students with severe disabilities who cannot participate in other assessments due to the severity of their disabilities. The Department of Education shall implement the alternative assessment for students with disabilities according to the schedules in N.J.A.C. 6A:8-4.1(c)1, 2, and 3. The alternative assessment for students with disabilities measures the progress of students who have been determined eligible for the alternative assessment for students with disabilities by the IEP team in accordance with N.J.A.C. 6A:14-4.10.

The Boards of Education shall implement alternative ways for students to demonstrate graduation proficiency in accordance with N.J.A.C. 6A:8-5.1(f).

## Test Administration Procedures and Security Measures

The Board of Education shall be responsible for ensuring the security of all components of the Statewide assessment system that are administered within the school district. All Statewide assessments shall be administered in accordance with the Department of Education's required test administration procedures and security measures. Any breach of such procedures or measures shall be immediately reported to the Superintendent or designee.

## Documentation of Student Achievement

The Department of Education shall provide the Superintendent with documentation of student performance after each test administration in accordance with the provisions of N.J.A.C. 6A:8-4.2(a). ~~The Board shall maintain an accurate record of each student's performance on Statewide assessments in accordance with N.J.A.C. 6A:8-4.2.~~ Information regarding individual student test scores shall only be released in accordance with Federal and State law.



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Student Assessment

The Board of Education shall transmit within ten business days any official records, including transcripts, of students who transfer to other school districts or institutions.

The Board of Education shall maintain an accurate record of each student's performance on Statewide assessments.

The Board of Education shall maintain for every student a ninth grade through graduation transcript that contains the following, as available:

1. Results of all applicable State assessments, including assessments that satisfy graduation requirements set forth in N.J.A.C. 6A:8-5.1(a)6;
2. Results of any English language proficiency assessments according to N.J.A.C. 6A:8-5.1(h);
3. Evidence of instructional experience and performance in the NJSLS;
4. Evidence of technological literacy;
5. Evidence of career education instructional experiences and career development activities;
6. Evidence of State-issued occupational licenses and credentials, industry-recognized occupational credentials, and/or technical skill assessments for students enrolled in Department of Education-approved career and technical education programs pursuant to N.J.A.C. 6A:19-3.2; and
7. Any other information deemed appropriate by the Board of Education.

## Accountability

The Superintendent shall report preliminary and final results of annual assessments to the Board of Education **within sixty days of receipt of information from** ~~as required by~~ the New Jersey Department of Education **pursuant to N.J.A.C. 6A:8-4.3(a)**. The Board of Education will provide parents, students, and citizens with results of annual assessments according to N.J.A.C. 6A:8-4.2.



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The Board shall provide appropriate instruction to improve skills and knowledge for students performing below the established levels of student proficiency in any content area either on Statewide or local assessments. All students shall be expected to demonstrate the knowledge and skills of the NJSLs as measured by the Statewide assessment system.

## Annual Review and Evaluation of School Districts

The Department of Education shall review the performance of schools and school districts in accordance with the provisions of N.J.A.C. 6A:8-4.4.

## Public Reporting

In accordance with the requirements of N.J.A.C. 6A:8-4.5, the Department of Education shall report annually to the State Board of Education and the public on the progress of all students and student subgroups in meeting the NJSLs as measured by the Statewide assessment system by publishing and distributing the Department of Education's annual New Jersey School Report Card in accordance with N.J.S.A. 18A:7E-2 through 5. After each test administration, the Department of Education shall report to the Board of Education on the performance of all students and of student subgroups. The Department of Education shall report performance on the APA with the same frequency and in the same detail as it reports on other Statewide assessments, including school and school district means, and the number and percentage of participating students. In public reporting of school and district performance data, the Department of Education shall not compromise the confidentiality of individual students.

## Parental Notification

Parents shall be informed of the district assessment system and of any special tests that are to be administered to their children.

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

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

Adopted:



## R 2624 GRADING SYSTEM

### A. Purpose of Grading

1. The purpose of grading is to assist pupils in the process of learning; all grading systems will be subject to continual review and revision to that end.
2. Grades acknowledge a pupil's demonstrated proficiency in the New Jersey Core Curriculum Content Standards and locally established learning goals and objectives:
  - a. Active participation in and attention to daily lessons,
  - b. Frequent contribution to discussions,
  - c. Prompt, thorough, accurate, and neat preparation of assignments,
  - d. Thorough preparation and performance on tests and assessments,
  - e. Display of an eagerness to learn and an inquisitive approach to lessons,
  - f. Attention to the need for proper materials,
  - g. Cooperation with the teacher's efforts, and
  - h. Willingness to work to the best of his/her ability and to do more than the minimum expected.

### B. Preparation for Grading

1. Each pupil must be informed of the behavior and achievements expected of him/her at the outset of each course of study or unit of study.
2. Each pupil must be kept informed of his/her progress during the course of a unit of study. Pupils who so request are entitled to see the grades resulting from their performance during the grading period.





3. Each method of grading shall be appropriate to the course of study and the maturity and abilities of the pupils.
4. Pupils should be encouraged to evaluate their own achievements.
5. The process of review and revision will involve teaching staff members, parent(s) or legal guardian(s), and, as appropriate, pupils.

C. Grading Periods

1. Grades will be awarded at the end of four marking periods in each school year.
2. Pupils will be given notice of their mid-term grades at mid-point of each marking period.
3. Pupils will be given a final grade in each subject at the end of the school year.
4. Grades will be recorded on report cards for parent(s) or legal guardian(s) notification in accordance with Policy No. 5420 and Regulation No. 5420.

D. Basis for Grading

The teacher responsible for assigning a grade should take into consideration the pupil's:

1. Completion of written assignments prepared in the classroom or elsewhere;
2. Oral contributions in class, including discussion responses, observations, panel participation, presentations, initiation of topics;
3. Performance on oral and written tests and quizzes;
4. Research into standard references and other background materials;
5. Oral and written reports on materials read by the pupil;
6. Laboratory work;



7. Term papers;
8. Special oral or written reports;
9. Other evidences of the pupil's constructive efforts and achievements in learning; and
10. For the final grade, the pupil's attendance record, in accordance with Policy Nos. 5200, 5410, and 5460.

E. Meaning of Grades

1. The following grades will be given in each academic subject at the end of each marking period:
  - a. A grade of A indicates superior performance. It may be given to a pupil whose achievement is significantly above grade level; whose work achieves a quality and quantity that consistently excels; and who demonstrates a high degree of initiative, application, and purpose.
  - b. A grade of B indicates above average performance. It should be given to a pupil whose achievement is above grade level; whose work frequently excels; and who generally demonstrates strength in the subject.
  - c. A grade of C indicates average performance. It should be given to a pupil whose achievement in most areas of the subject are average; whose work is acceptable; and who demonstrates a satisfactory degree of proficiency.
  - d. A grade of D indicates below average performance. It should be given to a pupil whose achievement in the subject is barely passing; whose work is the minimum acceptable for credit; and who demonstrates only weak proficiencies in the subject.
  - e. A grade of F indicates failing performance and that no credit can be given for the subject. It should be given to a pupil who has not met the minimum requirements of the course; who has



demonstrated an inability or unwillingness to master the basic elements of the course; or who has failed to meet the minimum attendance standards necessary to pass a course of study.

- f. Letter grades may be modified by plus or minus signs.
2. The following grading scales and indicators shall be used:

**Kindergarten- Grade 3 (Primary Standards-Based Report Card)**

<b>4 (90-100)</b>	<b>Exceeds Standards: consistently grasps, applies, and extends key concepts, processes, and skills. Works beyond standards.</b>
<b>3 (80-89)</b>	<b>Meets Standards: grasps and applies key concepts, processes and skills. Meets benchmarks.</b>
<b>2 (70-79)</b>	<b>Approaching Standards: beginning to grasp and apply key concepts, processes and skills.</b>
<b>1 (69 or below)</b>	<b>Needs Support: difficulty grasping key concepts, processes, and essential skills. Area of concern that requires support.</b>

~~Progress Key~~

~~1 = I can do this.~~  
~~2 = I'm almost there.~~  
~~3 = I need more time.~~  
~~/ = Not applicable during current marking period.~~

~~Grades 1 and 2~~

~~-~~

~~Grading Key~~

~~A+ 98-100~~



# REGULATION

## MANASQUAN BOARD OF EDUCATION

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GRADING SYSTEM

~~A 93—97~~  
~~B+ 90—92~~  
~~B 85—89~~  
~~C+ 83—84~~  
~~C 77—82~~  
~~D+ 75—76~~  
~~D 70—74~~  
~~F 69 or below~~  
X Medically Excused

~~Grades 3—8~~ **Grade 4-12**

Report Card Grading System

~~A 93—100 Outstanding~~  
~~B 85—92 Above Average~~  
~~C 77—84 Average~~  
~~D 70—76 Below Average~~  
~~F 69 or below Unsatisfactory~~  
X Medically Excused  
I Incomplete

~~Grades 9—12~~ Grade

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The equivalent letter grades are as follows:

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A	Excellent	<del>93—100</del> <b>90-100</b>
B	Good	<del>85—92</del> <b>80-89</b>
C	Average	<del>77—84</del> <b>70-79</b>
D	Passing	<del>70—76</del> <b>65-79</b>
F	Failure	<del>0—69</del> <b>0-64</b>



Letter Grade	Numeric Range	Quality Points (HS Only-College Prep)	Quality Points (HS Only- AP & Honors)
A+	97 – 100	4.33	5.00
A	93 – 96	4.00	4.67
A-	90 – 92	3.67	4.33
B+	87 – 89	3.33	4.00
B	83 – 86	3.00	3.67
B-	80 – 82	2.67	3.33
C+	77 – 79	2.33	3.00
C	73 – 76	2.00	2.67
C-	70 – 76	1.67	2.33
D+	67 – 69	1.33	2.00
D	65 – 66	1.00	1.67
F	< 65	0.00	0.00

- 
3. A grade of “Incomplete” will be given to those pupils unable to complete the work assigned to the course for reasons beyond the pupil’s control, such as the pupil’s disability.
    - a. A teacher who submits a grade of incomplete will accompany the grade with a reasonable estimate of the amount of time the pupil will require to complete the work necessary for the granting of credit.
    - b. Except as may be required by unusual circumstances, make up work should be completed within two weeks of the end of the marking period or, if the pupil is disabled at the end of the marking period, two weeks after the pupil’s return to school.
    - c. The pupil’s completed work will be graded and the teacher will submit a grade, which will replace the incomplete grade on the pupil’s transcript.
    - d. A pupil who does not complete the work within the period allowed will receive a grade of F in the subject.



4. A grade of X-excused” will be given to each pupil in a physical education class who was excused for good cause from participation in certain aspects of the course requirements.

F. Grade Validation

In order that he/she may justify a grade, each teacher is directed to retain in his/her possession the following records to validate grades awarded to pupils. The records should be kept for a minimum of six years after the end of the school year in which the grades were awarded.

1. The daily attendance and tardiness record;
2. All grades earned for classroom activities such as quizzes, tests, reports, and class recitations;
3. All grades earned for activities conducted elsewhere, such as homework assignments and term papers;
4. Any notation regarding the meaning of each grade and its relation to the type of activity or material covered;
5. Any notation of discussions with the pupil on a grade or the pupil's cumulative grade average;
6. Any referrals for guidance, discipline, and the like; and
7. Any notations recording communications between the teacher and the parent(s) or legal guardian(s), the Principal, or other teaching staff members.

G. Appeal

1. Each teacher is responsible for the determination of the grade a pupil receives for participation in the teacher's course of study.
2. Each teacher may be required to furnish reasons, supported by evidence (see paragraph E above) to substantiate any grade earned.



3. If a grade is challenged by a pupil or a parent(s) or legal guardian(s), the teacher will convene a conference and will explain the grading system and the reasons for the final grade.
4. If the parent(s) or legal guardian(s) or pupil is not satisfied by the teacher's explanations, he/she may appeal the grade to the Principal, who will consult with the teacher and the pupil in an attempt to resolve the dispute. The Principal will give every reasonable deference to the teacher's professional judgment.
5. If the Principal determines that the grade should be changed, he/she will alter the grade on all records and indicate by whose authority the grade has been changed.
6. No reprisals will be taken in any form against a teacher who remains determined in his/her belief that the grade originally given is fair and correct.
7. The Superintendent may hear an appeal from the Principal's determination. Only in the most extraordinary circumstances will the Superintendent alter a grade determined at the school building level.

Issued: 14 June 2011



# POLICY GUIDE

STUDENTS

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Eligibility of Resident/Nonresident Students

June 20

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[See **POLICY ALERT** Nos. **96, 109, 128, 143, 160, 171, 173, 189, 208, 217, and 220**]

## 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Board of Education shall admit to its schools, free of charge, persons over five and under twenty years of age, pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education.

### Eligibility to Attend School

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1.

A child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in a time of war or national emergency shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2. A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement that he or she: is domiciled within the school district; is supporting the child without remuneration and intends to do so





# POLICY GUIDE

## STUDENTS

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### Eligibility of Resident/Nonresident Students

for a time longer than the school term; will assume all personal obligations for the student relative to school requirements; and provides a copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or 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. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian returns from active military duty.

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of a student attending the school district of temporary residence. When one of a student's parents or guardians temporarily resides in the school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with the criteria of N.J.A.C. 6A:22-3.1(a)1.i.

A student is eligible to attend this school district free of charge:

1. If the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 - Education of Homeless Children;
2. If the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2;



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## STUDENTS

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### Eligibility of Resident/Nonresident Students

3. If the student previously resided in the school district and if the parent or 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, resulting in the relocation of the student out of the school district, pursuant to N.J.S.A. 18A:38-3.b. The school district shall not be obligated for transportation costs; and
4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year in pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h). If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law.

A student's eligibility to attend this school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.

Except as set forth in N.J.A.C. 6A:22-3.3(b)1, immigration/visa status shall not affect eligibility to attend school and the school district shall not condition enrollment in the school district on immigration status. A student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111.



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## Eligibility of Resident/Nonresident Students

### Proof of Eligibility

The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.

The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school as outlined in N.J.A.C. 6A:22-3.4(d). The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) or pertinent parts thereof if voluntarily disclosed by the applicant. The Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

~~However, In~~ In the case of a dispute between the school district and the parent ~~or guardian~~ of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3. **The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.**

### Registration Forms and Procedures for Initial Assessment

Registration and initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1. The Board of Education shall use Commissioner-provided registration forms or locally developed forms that are consistent with the forms provided by the Commissioner. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.



# POLICY GUIDE

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### Eligibility of Resident/Nonresident Students

Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.

When a student appears ineligible based on the information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed, without a hearing before the Board, if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for the purposes of ensuring compliance with compulsory education law, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

Enrollment or attendance at the school shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be



# POLICY GUIDE

## STUDENTS

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### Eligibility of Resident/Nonresident Students

implemented in accordance with N.J.A.C. 6A:17-2, Education of Homeless Children. Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student's birth certificate or other proof of a student's identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.

Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.

When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

#### Notice of Ineligibility

When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4 et seq. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside. Notices of ineligibility shall include information as outlined in N.J.A.C. 6A:22-4.2.

#### Removal of Currently Enrolled Students

Nothing in N.J.A.C. 6A:22 et seq. and this Policy shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.



# POLICY GUIDE

## STUDENTS

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### Eligibility of Resident/Nonresident Students

When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) has been informed of his or her entitlement to a hearing before the Board of Education. Once the hearing is held, or if the parent, guardian, adult student or resident keeping an "affidavit student", does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board or a Board Committee, at the discretion of the full Board. If the hearing(s) is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No student may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

#### Appeal to the Commissioner

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of "affidavit student" eligibility determinations shall be filed by the resident keeping the student.

#### Assessment and Calculation of Tuition

If no appeal to the Commissioner is filed following notice of an ineligibility determination, the Board of Education may assess tuition, for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 et seq. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.



# POLICY GUIDE

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### Eligibility of Resident/Nonresident Students

If an appeal to the Commissioner is filed and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a). Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2.

#### Nonresident Students

The admission of a nonresident student to school free of charge must be approved by the Board. No student otherwise eligible shall be denied admission on the basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship and discipline.

#### Optional

##### [Children Who Anticipate Moving to or from the District

A nonresident student otherwise eligible for attendance whose parent or guardian anticipates school district residency and has entered a contract to buy, build, or rent a residence in this school district may be enrolled without (with or without) payment of tuition for a period of time not greater than 12 weeks prior to the anticipated date of residency. If any such student does not become a resident of the school district within 12 weeks after admission to school, tuition will be charged for attendance commencing the beginning of the 12th week and until such time as the student becomes a resident or withdraws from school.

Students whose parent or guardian have moved away from the school district on or after January 1st (date) and twelfth grade students whose parent or guardian have moved away from the school district on or after September 1<sup>st</sup> (date) will be permitted to finish the school year in this school district without (with or without) payment of tuition.]



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### Eligibility of Resident/Nonresident Students

#### Optional

[Children of District Employees

Children of Board of Education employees who do not reside in this school district may be admitted to school in this district without (with or without) payment of tuition, provided that the educational program of such children can be provided within school district facilities.]

#### Optional

[Other Nonresident Students

Other nonresident students, otherwise eligible for attendance may be admitted to this school district with (with or without) payment of tuition and Board approval.]

F-1 Visa Students

#### [Option – Select One Option

~~\_\_\_\_\_ F-1 Visa students will not be admitted to this school district.~~

X The school district **is not required to, but may will** permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. An F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year. **The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a F-1 Visa must be approved by the Board for attendance in the school district. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.]**





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Eligibility of Resident/Nonresident Students

## J-1 Visa Students

[Option – Select One Option]

~~\_\_\_\_\_ J-1 Visa students will not be admitted to this school district.~~

**X** The school district is not required to, but may permit the attendance of J-1 Visa students into the school district. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the school district and shall not pay tuition. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.]

N.J.S.A. 18A:38-1 et seq.; **18A:38-1.3**; 18A:38-3; 18A:38-3.1

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.

8 CFR 214.3

Adopted:



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Eligibility of Resident/Nonresident Students

June 20

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[See POLICY ALERT Nos. 109, 128, 160, 173, 189, 208, 217, and 220]

## R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

### A. Definitions

1. “Affidavit student” means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C 6A:22-3.2(a).
2. “Appeal” means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. “Applicant” means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.
4. “Commissioner” means the Commissioner of Education or his/her designee.
5. “Guardian” means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian’s school district unless it can be proven that the child does not actually live with the custodian. “Guardian” also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.e.

### B. Eligibility to Attend School – Students Domiciled in the District

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:



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### Eligibility of Resident/Nonresident Students

- a. A student is domiciled in the school district when he or she is living with a parent or guardian whose domicile is located within the school district.
  - (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year. This provision shall apply regardless of which parent has legal custody.
  - (2) When a student's physical custody is shared on an equal-time, alternating week/month or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
    - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.



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### Eligibility of Resident/Nonresident Students

- (b) When the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.
  - (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22.
  - (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
- b. A student is domiciled in the school district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
  - c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.



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### Eligibility of Resident/Nonresident Students

- d. A student is domiciled in the school district when his or her parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
  - e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.
2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the dwelling's or unit's property tax is paid.
- a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.
  - b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.
  - c. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.



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Eligibility of Resident/Nonresident Students

3. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

## C. Eligibility to Attend School – Other Students Eligible to Attend School

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.
  - a. A student is not eligible to attend this school district pursuant to this provision unless:
    - (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and



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### Eligibility of Resident/Nonresident Students

- (2) The person keeping the student has filed, if so required by the Board of Education:
  - (a) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and
  - (b) A copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.
- b. A student shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
- c. A student shall not be deemed ineligible under this provision when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.
- d. A student shall not be deemed ineligible under this provision solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.



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### Eligibility of Resident/Nonresident Students

- e. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another school district commits a disorderly persons offense.
2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or 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.
  - a. Eligibility under this provision shall cease at the end of the school year during which the parent or guardian returns from active military duty.
3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.
  - a. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;
  - b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school





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Eligibility of Resident/Nonresident Students

shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board of Education, the temporary residence is not solely for purposes of a student's attending the school district.

4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children.
5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2. As used in this section, "court order" shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.
6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b if the student previously resided in the school district and if the parent or 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, resulting in the relocation of the student out of the school district. A school district admitting a student pursuant to N.J.S.A. 18A:38-3.b shall not be obligated for transportation costs.



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### Eligibility of Resident/Nonresident Students

7. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend the school district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the student resides on Federal property within the State.
8. In accordance with N.J.S.A. 18A:38-1.1, a student who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district during the academic year as a result of a family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A student attending an academic program during the summer, who is otherwise eligible except for the timing of the move, shall be permitted to remain in the school district for the remainder of the summer program if it is considered an extension of the preceding academic year.
  - a. For purposes of N.J.A.C. 6A:22-3.2(h) and Policy and Regulation 5111, “family crisis” shall include, but not be limited to:
    - (1) An instance of abuse such as domestic violence or sexual abuse;
    - (2) A disruption to the family unit caused by death of a parent or guardian; or
    - (3) An unplanned displacement from the original residence such as fire, flood, hurricane, or other circumstances that render the residence uninhabitable.
  - b. Upon notification of the move by the parent or guardian, the original school district of residence shall allow the student to continue attendance and shall provide transportation services to and from the student’s new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request from the parent or guardian and may review supporting



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### Eligibility of Resident/Nonresident Students

documentation about the reason(s) for the move; however, any such review shall not interrupt the student's continued enrollment in the school district and in the current school of attendance with the provision of transportation.

- (1) Examples of documentation include, but are not limited to, newspaper articles, insurance claims, police or fire reports, notes from health professionals, custody agreements, or any other legal document.
- c. If the parent or guardian or the relevant documentation indicates the child is homeless pursuant to N.J.S.A. 18A:7B-12, the school district liaison shall assume the coordination of enrollment procedures pursuant to N.J.A.C. 6A:17-2.5 and the student shall not be eligible for enrollment under N.J.S.A. 18A:38-1.1.
  - d. If the original school district of residence determines the situation does not meet the family crisis criteria outlined in 8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of his or her right to appeal the decision within twenty-one calendar days of his or her receipt of the notification, and shall state that if such appeal is denied, he or she may be assessed the costs for transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one day appeal period in the absence of an appeal.
    - (1) The parent or guardian may appeal by submitting the request in writing with supporting documentation to the Executive County Superintendent of the county in which the original school district of residence is situated.



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### Eligibility of Resident/Nonresident Students

- (2) Within thirty calendar days of receiving the request and documentation, the Executive County Superintendent shall issue a determination whether the situation meets the family crisis criteria set forth at 8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.
  - (3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.
- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.
- (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria set forth at 8.a. above.
  - (2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in



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## STUDENTS

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### Eligibility of Resident/Nonresident Students

accordance with N.J.S.A. 18A:39-1 until the determination is issued, and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.

- f. In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means available and in conformance with all laws governing student transportation.
- g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.
  - (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.
  - (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the Department's Office of School Facilities and Finance for reimbursement payment(s) to the school district.
  - (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).
- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.



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Eligibility of Resident/Nonresident Students

- i. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, his or her decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.

## D. Housing and Immigration Status

1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.
2. Except as set forth in a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status.
  - a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1" Visa).

## 3. F-1 Visa Students

### [Option – Select One Option]

~~\_\_\_\_\_ F-1 Visa students will not be admitted to this school district.~~



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Eligibility of Resident/Nonresident Students

X The school district **is not required to, but may will** permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. ~~An~~ F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year. **The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with documentation as determined by the Superintendent or designee. A student with a F-1 Visa must be approved by the Board for attendance in the school district. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.]**

#### 4. J-1 Visa Students

[Option – Select One Option

~~\_\_\_\_\_ J-1 Visa students will not be admitted to this school district.~~

X The school district is not required to, but may permit the attendance of J-1 Visa students into the school district. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the school district and shall not pay tuition. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.]



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### Eligibility of Resident/Nonresident Students

- E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-3.2 shall be construed to limit the discretion of the Board to admit nonresident students, or the ability of a nonresident student to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3.a.
- F. Proof of Eligibility
  - 1. The Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:
    - a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
    - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;
    - c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
    - d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;
    - e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
    - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an "affidavit student," adult





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student, person(s) with whom a family is living, or others,  
as appropriate;

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Eligibility of Resident/Nonresident Students

- g. Documents pertaining to military status and assignment;  
and
  - h. Any other business record or document issued by a  
governmental entity.
- 2. The Board of Education may accept forms of documentation not  
listed above, and shall not exclude from consideration any  
documentation or information presented by an applicant.
- 3. The Board of Education shall consider the totality of information  
and documentation offered by an applicant, and shall not deny  
enrollment based on failure to provide a particular form or subset  
of documents without regard to other evidence presented.
- 4. The Board of Education shall not condition enrollment on the  
receipt of information or documents protected from disclosure by  
law, or pertaining to criteria that are not a legitimate basis for  
determining eligibility to attend school. They include, but are not  
limited to:
  - a. Income tax returns;
  - b. Documentation or information relating to citizenship or  
immigration/visa status, except as set forth in N.J.A.C.  
6A:22-3.3(b);
  - c. Documentation or information relating to compliance with  
local housing ordinances or conditions of tenancy; and
  - d. Social security numbers.
- 5. The Board of Education may consider, in a manner consistent with  
Federal law, documents or information referenced in 4. above, or  
pertinent parts thereof if voluntarily disclosed by the applicant.  
However, the Board of Education may not, directly or indirectly,  
require or request such disclosure as an actual or implied condition  
of enrollment.



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### Eligibility of Resident/Nonresident Students

6. In the case of a dispute between the school district and the parents ~~or guardians~~ of a student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (**NJMVC**) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district. **The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.**
- G. Registration Forms and Procedures for Initial Assessment
  1. The Board of Education shall use Commissioner-provided registration forms, or locally developed forms that:
    - a. Are consistent with the forms provided by the Commissioner;
    - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
    - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;
    - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
    - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.



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### Eligibility of Resident/Nonresident Students

2. The Board of Education shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
  - a. If the school district uses separate forms for affidavit student applications rather than a single form for all types of enrollment, affidavit student forms shall comply in all respects with the provisions of G.1. above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom he or she is not the parent or guardian, even if not specifically requested.
    - (1) The Board of Education or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.
    - (2) The Board of Education or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.
  - b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.
3. Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.



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### Eligibility of Resident/Nonresident Students

- a. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.
  - b. When a student appears ineligible based on information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and intent to appeal to the Commissioner.
    - (1) An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed without a hearing before the Board if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.
4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement that the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for purposes of ensuring compliance with compulsory education laws, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the



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student's name, the name(s) of the parent/guardian/resident, and

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### Eligibility of Resident/Nonresident Students

the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.
6. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student's birth certificate or other proof of his or her identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.
8. Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.
9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

#### H. Notice of Ineligibility

1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant



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that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4 et seq.

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Eligibility of Resident/Nonresident Students

- a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
    - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made:
      - (1) The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and
      - (2) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.
    - b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained under the applicable provision of N.J.S.A. 18A:38-1;
    - c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the notice date, along with an informational document provided by the Commissioner describing how to file an appeal;
    - d. A clear statement of the student's right to attend school for the twenty-one day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;
    - e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;



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### Eligibility of Resident/Nonresident Students

- f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:
  - (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.
- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
- i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and



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absence of evidence of intent to attend school or receive instruction elsewhere.

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Eligibility of Resident/Nonresident Students

## I. Removal of Currently Enrolled Students

1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal.
  - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal.
3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," has been informed of his or her entitlement to a hearing before the Board of Education.
4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an "affidavit student," does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board of Education or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board of Education taken at a meeting duly





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convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

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Eligibility of Resident/Nonresident Students

## J. Appeal to the Commissioner

1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.
  - a. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of “affidavit student” ineligibility determinations shall be filed by the resident keeping the student.

## K. Assessment and Calculation of Tuition

1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student’s ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
  - a. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.
2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student and the petitioner does not sustain the burden of demonstrating the student’s right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student’s ineligible attendance in a



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school district prior to the appeal's filing and including the twenty-one day period to file an appeal.

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Eligibility of Resident/Nonresident Students

- a. Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of his or her decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board of Education has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.
  - b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.
  4. Nothing in N.J.A.C. 6A:22 shall preclude an equitable determination by the Board of Education or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board of Education or Commissioner shall consider whether the ineligible attendance was due to the school district's error.



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Adopted:



# POLICY GUIDE

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[See POLICY ALERT Nos. 95, 96, 139, 172, 176, 203, 205, and 220]

## 5200 ATTENDANCE

In accordance with the provisions of N.J.S.A. 18A:38-25, every parent, guardian, or other person having control and custody of a child between the ages of six and sixteen shall cause the child to regularly attend school. The Board of Education requires students enrolled in the school district attend school regularly in accordance with the laws of the State.

**Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, “excused” and “unexcused” student absences, for the purpose of expectations and consequences regarding truancy, student conduct, promotion, and the award of course credit is a local Board decision outlined in N.J.A.C. 6A:16-7.6 and Policy and Regulation 5200.** In accordance with the provisions of N.J.A.C. 6A:16-7.6 and for the purposes of this Policy and Regulation 5200, a student’s absence from school will **either** be excused or unexcused. ~~that~~ **Unexcused absences will** counts toward truancy.

**A parent or adult student shall provide advance notice to the school prior to the student being absent from school. In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student’s absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student’s parent to notify the parent of the absence and determine the reason for the absence.**

Students that are absent from school for any reason are responsible for the completion of assignments missed because of their absence. **In accordance with N.J.S.A. 18A:36-14, aA** student who is absent from school for observing a religious holiday shall not be deprived of any award, eligibility, or opportunity to compete for any award, or deprived of the right to take an alternate test or examination that was missed because of the absence provided there is a written excuse of such absence signed by the parent.

Prolonged or repeated absences, excused or unexcused, from school or from class, deprive students of the educational and classroom experiences deemed essential to learning and may result in retention at grade level



# POLICY GUIDE

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**[For districts with secondary school(s)]**

or loss of credit or removal from a course that would count toward the high school diploma in accordance with policies of this Board.]

Students shall be subjected to the school district's response for unexcused absences that count toward truancy during the school year as outlined in N.J.A.C. 6A:16-7.6(a)4 and Regulation 5200.

Unexcused absences from school or from classes within the school day may subject a student to consequences that may include the denial of a student's participation in co-curricular activities and/or athletic competition. Repeated absences from school interfere with efforts of ~~the this~~ Board and its staff in the maintenance of good order and the continuity of classroom instruction and such absences may result in the removal of the student from a class or course of study.

The Superintendent shall calculate and monitor the average daily attendance rate for the district and for each school in the district. Whenever the average daily attendance rate does not meet the New Jersey Department of Education requirements the Superintendent or designee shall develop a district improvement plan to improve student attendance pursuant to N.J.A.C. 6A:30-5.2.

N.J.S.A. 18A:36-14; **18A:36-25.6**; 18A:38-25

N.J.S.A. 34:2-21.1 et seq.

N.J.A.C. 6A:16-7.6; **6A:30-5.2**; 6A:32-8.3

Adopted:



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[See POLICY ALERT Nos. 95, 96, 139, 176, 203, 205, and 220]

## R 5200 ATTENDANCE

### A. Definitions

1. For the purposes of school attendance, a “day in session” 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.
2. A “school day” shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day of Kindergarten.
3. “A day of attendance” shall be one in which the student is present for a full day under the guidance and direction of a teacher while school is in session.
  - a. Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.
4. A “half-day class” shall be considered the equivalent of a full day’s attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.

### B. Attendance Recording

1. **Attendance Recording in the School Register**  
(N.J.A.C. 6A:32-8.1)



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- a. **The Board of Education shall be required to carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic form of the school's choosing.**
- b. **The Commissioner shall issue and publish on the Department's website school register guidance for recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.**
- c. **Student attendance shall be recorded in the school register during school hours on each day school is in session.**
- d. **School registers shall be kept for students attending preschool, Kindergarten, grades one through five, grades six through eight, grades nine through twelve, each preschool class for the disabled, each class for the disabled, shared-time classes for regular students, shared-time classes for students with disabilities, full-time bilingual education programs and vocational day programs, and summer schools operated by the Board of Education.**
- e. **A student who has been placed on home instruction shall have his or her attendance status recorded on the regular register for the program in which the student is enrolled. For the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, the student shall be marked absent. No absences shall be recorded for the student while on home instruction, providing the hours of instruction are not less than required by N.J.A.C. 6A:14-4.8 and 4.9. The number of possible days of enrollment for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.**



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## 2. Attendance Recording for Board Policy (N.J.A.C. 6A:32-8.3)

- a1. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.
- b2. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.
- c3. A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.
- d4. A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.
- e5. The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.
- f6. The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with 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.





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g7. A student not present in school because of his/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.

## C. Unexcused Absences That Count Toward Truancy/Excused Absences for Board Policy

1. **Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, “excused” and “unexcused” student absences for the purpose of expectations and consequences regarding truancy, student conduct, promotion, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.**
24. **N.J.A.C. 6A:16-7.6(a)3 requires the Board of Education policies and procedures contain, at a minimum, a definition of unexcused absence that count toward truancy.** “An unexcused absence that counts toward truancy” is a student’s absence from school for a full or a portion of a day for any reason that is not an “excused absence” as defined below.
32. “An excused absence” is a student’s absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, or any absence for the reasons listed below:

### [Select one or more options below]

☒ The student’s illness

☒ supported by a written letter from the parent upon student’s return to school;

☐ supported by notification to the school by the student’s parent;

☒ The student’s required attendance in court;



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- ☒ Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;
- ☒ The student's suspension from school;
- ☒ Family illness or death
  - ☒ supported by a written letter from the parent upon the student's return to school;
  - ☐ supported by notification to the school by the student's parent;
- ☒ Visits to post-secondary educational institutions;
- ☒ Interviews with a prospective employer or with an admissions officer of an institution of higher education;
- ☒ Examination for a driver's license;
- ☒ Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
- ☒ Take Our Children to Work Day;
- ☒ An absence considered excused by **the Commissioner of Education and/or** a New Jersey Department of Education rule;
- ☒ An absence for a reason not listed above, but deemed excused by the Principal upon a written request by the student's parent stating the reason for the absence and requesting permission for the absence to be an excused absence;



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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

43. For cumulative unexcused absences of ten or more, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25 ~~“Truancy” means ten or more cumulative unexcused absences that count toward truancy of a student between the ages of six and sixteen~~ as determined by the Board’s Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any absence not listed in C.3. above shall be an unexcused absence counted toward truancy.

## [Optional

54. “Unexcused tardiness” may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.]

## D. Notice to School of a Student’s Absence

1. The parent or adult student ~~is requested to~~ **shall notify** call the school office before the ~~start of the student’s school day~~ **when the student will not be in school.**
2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session **shall** ~~should call or~~ provide notice to the school office before the start of the afternoon session.
3. **The parent of a student or an adult student shall notify the school office of a future absence if the absence is foreseeable.**
43. The parent or adult student who anticipates a future absence or anticipates that an absence will be prolonged **shall** ~~should~~ notify the school office to arrange make-up work.



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5. **In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student's absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student's parent to notify the parent of the absence and determine the reason for the absence.**

E. Readmission to School After an Absence

1. A student returning from an absence of any length of time must provide a written statement that is dated and signed by the parent or adult student listing the reason for the absence.
2. A note explaining a student's absence for a noncommunicable illness for a period of more than three school days must be accompanied by a physician's statement of the student's illness with medical clearance to return to school.
3. A student who has been absent by reason of having or being suspected of having a communicable disease must present to the school nurse written evidence of being free of communicable disease, in accordance with Policy 8451.
4. **The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.**

F. Instruction

1. Teachers shall cooperate in the preparation of home assignments for students who anticipate an excused absence of four school days duration. The parent or student must request such home assignments.



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2. A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.
  3. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.
  4. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up missed work.
  5. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.
- G. Denial of Course Credit
1. The teacher will determine the credit to be awarded a student for make-up work. Where class participation is a factor in the learning process, the teacher may consider a student's absence in determining a final grade, except absences for the observance of a religious holiday or absence for a student's suspension from school will not adversely affect the student's grade. The teacher may record an incomplete grade for a student who has not had a full opportunity to make up missed work.

## [Optional]

2. A secondary student may be dropped from a course or denied course credit when he/she has been absent from **8 days for ½ year / 16 days for full year** (number, fraction, or percentage) or more of the class sessions, whatever the reason for the absence, except that absences for the observance of a religious holiday, **absences for those excused in accordance with the reporting requirements of the school register**, or absences caused by a student's suspension will not count toward the total.]



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## [Options

- X\_\_\_ Exceptions to this rule may be made for students who have demonstrated to the teacher through completion of make-up assignments that they have mastered the proficiencies established for the course of study.
- X\_\_\_ A secondary student who has been dropped from a course of study may be assigned to an alternate program.
- X\_\_\_ A secondary student denied course credit after completing the course will be permitted to attend a credit completion session to regain the denied credit, provided the student has not been absent from the class more than **8 days for ½ year / 16 days for full year**

## [Optional

3. An elementary student may be retained at grade level, in accordance with Policy 5410, when he/she has been absent twenty (number, fraction, or percentage) or more school days, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences **for those excused in accordance with the reporting requirements of the school register**, and absences due to student's suspension will not count toward the total.]

## [Option

- \_X\_\_\_ Exceptions to this rule may be made for students who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.]
- H. School District Response To Unexcused Absences During the School Year That Count Toward Truancy
1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:



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- a. Make a reasonable attempt to notify the student's parent 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 parent;
  - 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. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potentially missing or abused child situation is detected; and
  - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:
- a. Make a reasonable attempt to notify the student's parent 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 parent;
  - c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and H.1.c. above;
  - 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:



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- (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
  - (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 a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;
  - (6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potential missing or abused child situation is detected; and
  - (7) Engage the student's family.
- e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
3. For ten or more cumulative unexcused absences that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:
  - a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;
  - b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;





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- c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
  - d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.
- 4. A court referral may be made as follows:
  - a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court.
    - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or
  - b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part.
    - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.
- 5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's IEP, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized health care plan and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii.



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6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and H.1. above for each student with up to four cumulative unexcused absences that count toward truancy.
  - a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.
    - (1) The sending school district shall proceed in accordance with the Board of Education's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and H.5. above and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and H.2. through H.5. above, as appropriate.

## I. Discipline

1. Students may be denied participation in co-curricular activities if the Board establishes attendance standards for participation.
2. Students may be denied participation in athletic competition if the Board establishes attendance standards for participation.
3. No student who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

## J. Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students' attendance at out-of-school curricular events such as field trips.
2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy and Regulation 5200.



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3. A report card will record the number of times the student was absent and tardy in each marking period.
4. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

## K. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.
2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
  - a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.
  - b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.
  - c. If the student is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.



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- d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.
- e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.
- f. The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710, Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

## L. Attendance Records

- 1. Attendance records for the school district and each school will be maintained and attendance rates will be calculated as required by the New Jersey Department of Education. The school district will comply with all attendance requirements and any improvement plans as required by the Department of Education.

Adopted:



# POLICY GUIDE

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[See POLICY ALERT Nos. 106, 156, 183, and 220]

## 5320 IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the Board of Education requires the immunization of students against certain diseases in accordance with State statute and rules of the New Jersey State Department of Health and Senior Services.

A student shall not knowingly be admitted or retained in school if the parent(s) ~~or legal guardian(s)~~ has not submitted acceptable evidence of the child's immunization, according to schedules specified in N.J.A.C. 8:57-4 – Immunization of Pupils in School. **However, a child may be admitted to school on a provisional basis in accordance with the requirements as outlined in N.J.A.C. 8:57-4.5 and Regulation 5320.**

Medical or religious exemptions to immunizations shall be in accordance with the requirements as outlined in N.J.A.C. 8:57-4.3 and 4.4. ~~A child may be admitted to school on a provisional basis in accordance with the requirements as outlined in N.J.A.C. 8:57-4.5.~~ **For students with a medical exemption pursuant to N.J.A.C. 8:57-4.3, the school nurse shall annually review student immunization records to confirm the medical condition for the exemption from immunization continues to be applicable in accordance with N.J.A.C. 6A:16-2.3(b)3.v.**

### Optional

~~[The Board will provide, at school district expense, the necessary equipment, materials and services for immunizing students against \_\_\_\_\_.]~~

No immunization program, other than that expressly required by the rules of the New Jersey State Department of Health and Senior Services or by order of the New Jersey State Commissioner of Health and Senior Services, may be conducted in district schools without the express approval of the Board.

N.J.S.A. 18A:40-20

N.J.S.A. 26:4-6

**N.J.A.C. 6A:16-2.3**

N.J.A.C. 8:57-4.1 et seq.

Adopted:



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June 20

[See POLICY ALERT Nos. 106, 137, 156, 183, and 220]

## R 5320 IMMUNIZATION

### A. **Proof of Immunizations on Admission (N.J.A.C. 8:57-4.2)**

1. **The No Principal or designee shall not knowingly admit or retain any child student who whose parent has not submitted acceptable evidence of the child's immunization according to the schedule(s) set forth in N.J.A.C. 8:57 et seq. and section E, I. of this Regulation, unless the student is provisionally admitted as provided in paragraph B.1. below A.2. or exempted as provided in section C, B. and D. of this Regulation, and N.J.A.C. 8:57-4.3, and 8:57-4.4.**

### B. **Provisional Admission (N.J.A.C. 8:57-4.5)**

12. A student shall be admitted to ~~preschool or~~ school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the student is in the process of receiving the remaining immunizations.
2. **Provisional admission for children under age five shall be granted in compliance with the specific requirements set forth in N.J.A.C. 8:57-4.10 through 4.15 and 4.18 for a period of time consistent with the current Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service or the American Academy of Pediatrics (AAP) immunization schedule, but shall not exceed seventeen months for completion of all immunization requirements.**
3. **Provisional admission for children five years of age or older shall be granted in compliance with the specific requirements set forth in N.J.A.C. 8:57-4.10 through 4.14 and 4.16 for a period of time consistent with the current Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service or the American Academy of Pediatrics (AAP) immunization schedule, but shall not exceed one year for completion of all immunization requirements.**



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- ~~a. A child under five years of age lacking all required vaccines shall have no more than seventeen months to meet all immunization requirements in accordance with N.J.A.C. 8:57-4.5(b).~~
- ~~b. A child five years of age or older lacking all required vaccines shall have no more than one year to complete all immunization requirements in accordance with N.J.A.C. 8:57-4.5(c).~~
- 4e. Provisional status shall only be granted one time to **children** ~~students~~ entering or transferring into schools in New Jersey. If a student on provisional status transfers, information on their status will be sent by the original school to the new school **pursuant to N.J.A.C. 8:57-4.7(b)**. ~~Provisional status may be extended by a physician for medical reasons as indicated in N.J.A.C. 8:57-4.3.~~
- 5d. **Children** ~~Students~~ transferring into this district from **out-of-another** State or **out-of**-country shall be allowed a thirty day grace period in order to obtain past immunization documentation before provisional status shall begin. The thirty day grace period does not apply to students transferring **into this school district** from within the State of New Jersey.
- 6. **The school district shall ensure that the required vaccine/antigens are being received on schedule. If at the end of the provisional admission period the child has not completed the required immunizations, the administrative head of the school, preschool, or child care center shall exclude the child from continued school attendance until appropriate documentation has been presented.**
- ~~e. The Principal or designee shall ensure the provisionally admitted student is receiving required immunizations on schedule. If the student has not completed the immunizations at the end of the provisional period, the Principal shall exclude the student from school until appropriate documentation of completion has been presented.~~
- 7f. Students on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or ~~his/her~~ designee **in accordance with the provisions of N.J.A.C. 8:57-4.5.**



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## **CB. Medical Exemptions from Immunization (N.J.A.C. 8:57-4.3)**

1. A **child** ~~student~~ shall not be required to have any specific immunization(s) **which** ~~that~~ are medically contraindicated.
2. A written statement submitted to the school from a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) in any jurisdiction in the United States indicating that an immunization is medically contraindicated for a specific period of time, and the reasons for the medical contraindication, based on valid medical reasons as enumerated by the ACIP standards or the AAP guidelines, will exempt a student from the specific immunization requirements by law for the stated period of time.
  - a. ~~A written statement from any physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) in any jurisdiction in the United States indicating that an immunization is medically contraindicated for a specific period of time, and the reasons for the medical contraindication, based on valid reasons as enumerated by the Advisory Committee on Immunization Practices (ACIP) standards or the American Academy of Pediatrics (AAP) guidelines, will exempt a student from the specific immunization requirements by law for the period of time specified in the physician's statement.~~
  - 3b. The physician's or an advanced practice nurse's (certified registered nurse practitioner or clinical nurse specialist) statement shall be retained by the school as part of the **child's** immunization record ~~of the student~~ and shall be reviewed annually. **When the child's medical condition permits immunization, this exemption shall thereupon terminate, and the child shall be required to obtain the immunization(s) from which he/she has been exempted.**





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~~e. When the student's medical condition permits immunization, this exemption shall thereupon terminate, and the student shall be required to obtain the immunizations from which he/she has been exempted.~~

4. Those children with medical exemptions to receiving specific immunizations may be excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the New Jersey Commissioner, Department of Health and Senior Services or designee.
5. As provided by N.J.S.A. 26:4-6, the school district may, on account of the prevalence of any communicable disease, or to prevent the spread of communicable diseases, prohibit the attendance of any school district teacher or student and specify the time during which the teacher or student shall remain away from school.
  - a. The Department of Health and Senior Services shall provide guidance to the school district on the appropriateness of any such prohibition.
  - b. The school district shall comply with the provisions of N.J.A.C. 8:61-2.1 regarding attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV).

## D. Religious Exemptions (N.J.A.C. 8:57-4.4)

12. A ~~child student~~ shall be exempted from mandatory immunization if the ~~child's~~ parent(s) or legal guardian(s) submits **to the school a written, signed statement requesting an exemption pursuant to the requirements of religious exemptions established at N.J.S.A. 26:1A-9.1, on "the ground that the immunization interferes with the free exercise of the pupil's religious rights."** ~~that explains how the administration of immunizing agents conflicts with the student'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.~~



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- a. **The school district is prohibited from exempting a child from mandatory immunization on the sole basis of a moral or philosophical objection to immunization.**
2. **The written statement signed by the parent(s) will be kept by the school as part of the student's immunization record.**
  - a. ~~The written statement signed by the parent(s) or legal guardian(s) will be kept by the school as part of the student's immunization record.~~
  - b. ~~Students enrolled in school before September 1, 1991 and who have previously been granted a religious exemption to immunization, shall not be required to reapply for a new religious exemption under N.J.A.C. 8:57-4.4(a).~~
3. **The school district may exclude children with religious exemptions from receiving immunization agents from school**  
~~Students exempted on medical or religious grounds may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or designee.~~
4. **As provided by N.J.S.A. 26:4-6, the school district may, on account of the prevalence of any communicable disease, or to prevent the spread of communicable diseases, prohibit the attendance of any school district teacher or student and specify the time during which the teacher or student shall remain away from school.**
  - a. **The Department of Health and Senior Services shall provide guidance to the school district on the appropriateness of any such prohibition.**
  - b. **The school district shall comply with the provisions of N.J.A.C. 8:61-2.1 regarding attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV).**



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**EE. Documentations Accepted as Evidence of Immunization  
(N.J.A.C. 8:57-4.6)**

1. **The following documents** ~~Any of the following documents~~ shall be accepted as evidence of a **child's** ~~student's~~ immunization history; provided that the ~~document lists the type of immunization and the specific date (month, day and year) when each immunization was administered~~ **is listed.**
  - a. An official school record from any school or preschool indicating compliance with immunization requirements of **N.J.A.C. 8:57-4.1 et seq.;**
  - b. A record from any public health department indicating compliance with immunization requirements of **N.J.A.C. 8:57-4.1 et seq.;**
  - c. A certificate signed by a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner, or clinical nurse specialist) in any jurisdiction in the United States indicating compliance with immunization requirements of **N.J.A.C. 8:57-4.1 et seq.;** or
  - d. The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements of **N.J.A.C. 8:57-4.1 et seq.**
2. All immunization records submitted by a parent(s) ~~or legal guardian(s)~~ in a language other than English shall be accompanied by a translation sufficient to determine compliance with the immunization requirements of **N.J.A.C. 8:57-4.1 et seq. and this Regulation.**
3. ~~Parental verbal history or recollection or previous immunization is unacceptable documentation or evidence of immunization.~~



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3. **Laboratory evidence of protective immunity, as enumerated by the Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service, shall be accepted as evidence of immunization if a parent cannot produce a documented history of immunization.**
4. **Parental verbal history or recollection of previous immunization is unacceptable documentation or evidence of immunization.**

## **FD. ~~Immunization~~ Records Required (N.J.A.C. 8:57-4.7)**

1. **~~The school district~~ Each school shall maintain an official State of New Jersey **School Immunization Record** for every student. **This record which shall include the date of each individual immunization and shall be separated from the child's educational record and other medical records for the purpose of immunization record audit.****
- 2a. **~~If~~ When a child withdraws, is promoted, or transfers to another school **district, preschool or child care center**, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity, shall be sent to the new school **district** by the original school **district** or shall be given to the parent(s) or legal guardian(s) upon request, within twenty-four hours of such a request.**
  - b. ~~The immunization record shall be kept separate and apart from the student's other medical records for the purpose of immunization record audit.~~
  - c. ~~Child care centers, preschools, and elementary schools are to retain immunization records, or a copy thereof, for at least one year after the student has left the school. For children who are promoted from elementary to middle school or from middle school to high school within the same school system, this record retention requirement is not applicable in accordance with Department of Education rules and policies on transfer of student records.~~



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3. **Parental verbal history or recollection of previous immunization is unacceptable documentation or evidence of immunization.**
  4. **When a child graduates from secondary school, the record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent(s) upon request.**
  - 5d. **Each child's student's official New Jersey Immunization Record, or a certified copy thereof, shall be retained by a secondary school for a minimum of four years after the student has left the graduates from the secondary school. Each child's official New Jersey Immunization Record, or a copy thereof, shall be retained by an elementary school for a minimum of one year after the child has left the school.**
    - e. ~~When a student graduates from secondary school, the record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent(s) or legal guardian(s) upon request.~~
  - 6f. **Any computer-generated document or list developed by the school district to record immunization information shall be considered a supplement to, not a replacement of, the official New Jersey School Immunization Record.**
- G. Reports to be Sent to the Department of Health and Senior Services (N.J.A.C. 8:57-4.8)**
1. **A report of the immunization status of the students in each school shall be sent each year to the State Department of Health and Senior Services by the Principal or designee through mail or submitted electronically in accordance with N.J.A.C. 8:57-4.8(a).** ~~other person in charge of a school. The form for the report will be provided by the State Department of Health and Senior Services. The report shall be submitted by January 1 of the respective academic year. A copy of this report shall be sent to the local Board of Health in whose jurisdiction the school is located. Failure by the school district to submit such report by January 1 may result in a referral to the New Jersey Department of Education and the local health department.~~



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2. The form for the report will be provided by the New Jersey Department of Health and Senior Services.
3. The report shall be submitted by January 1 of the respective academic year after a review of all appropriate immunization records.
4. A copy of this report shall be sent to the local Board of Health in whose jurisdiction the school is located.
5. If the school does not submit the annual report by January 1 it shall be considered delinquent. A delinquency may be referred to the New Jersey Department of Education or the New Jersey Department of Children and Families, as appropriate based on the length of time delinquent, number of times delinquent, and efforts made toward compliance. The local health department will also be notified of the delinquency.

## H. Records Available for Inspection (N.J.A.C. 8:57-4.9)

13. The Principal or ~~designee other person in charge of a~~ of each school shall maintain records of their children's immunization status. Upon twenty-four hour notice, these records shall be made ~~make immunization records~~ available for inspection by authorized representatives of the ~~State~~ New Jersey Department of Health and Senior Services or the local Board of Health in whose jurisdiction the school is located, ~~within twenty-four hours of notification.~~

## IE. Immunization Requirements

1. The immunization requirements for school age children shall be in accordance with the requirements of N.J.A.C. 8:57-4 – Immunization of Pupils in School as outlined below:



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MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School		
DISEASE(S)	REQUIREMENTS	COMMENTS
DTaP  N.J.A.C. 8:57-4.10	(AGE 1-6 YEARS): 4 doses, with one dose given on or after the 4th birthday, OR any 5 doses. (AGE 7-9 YEARS): 3 doses of Td or any previously administered combination of DTP, DTaP, and DT to equal 3 doses.	Any child entering pre-school, pre-Kindergarten, or Kindergarten needs a minimum of four doses. Students after the seventh birthday should receive adult type Td. DTP/Hib vaccine and DTaP also valid DTP doses. <b>Children 7 years of age and older, who have not been previously vaccinated with the primary DTaP series, should receive 3 doses of Tetanus, diphtheria (Td)</b> Laboratory evidence of immunity is also acceptable.
Tdap  N.J.A.C. 8:57-4.10	GRADE 6 ( <i>or comparable age level special education program with an unassigned grade</i> ): 1 dose	<del>For students entering Grade 6 on or after 9-1-08 and born on or after 1-1-97.</del> A child does not need a Tdap dose until FIVE years after the last DTP/DTaP or Td dose.
POLIO  N.J.A.C. 8:57-4.11	(AGE 1-6 YEARS): 3 doses, with one dose given on or after the 4th birthday, OR any 4 doses. (AGE 7 or OLDER): Any 3 doses.	Either Inactivated Polio Vaccine (IPV) or Oral Polio Vaccine (OPV) separately or in combination is acceptable. Polio vaccine is not required of students 18 years of age or older. Laboratory evidence of immunity is also acceptable.
MEASLES  N.J.A.C. 8:57-4.12	<del>If born before 1-1-90, 1 dose of a live Measles-containing vaccine.</del> If born on or after 1-1-90, 2 doses of a live Measles-containing vaccine. <del>If entering a college or university after 9-1-95 and previously unvaccinated, 2 doses of a live Measles-containing vaccine.</del>	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs a minimum of 1 dose of measles vaccine. Any child entering Kindergarten needs 2 doses. <del>Previously unvaccinated students entering college after 9-1-95 need 2 doses of measles-containing vaccine or any combination containing live measles virus administered after 1968.</del> Documentation of 2 prior doses is acceptable. <del>Laboratory evidence of immunity is also acceptable.</del> Intervals between first and second measles/MMR/MR doses cannot be less than 1 month.



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MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School		
DISEASE(S)	REQUIREMENTS	COMMENTS
RUBELLA and MUMPS  N.J.A.C. 8:57-4.13 N.J.A.C. 8:57-4.14	1 dose of live Mumps-containing vaccine <b>on or after 1<sup>st</sup> birthday</b> . 1 dose of live Rubella-containing vaccine <b>on or after 1<sup>st</sup> birthday</b> .	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs 1 dose of rubella and mumps vaccine. <del>Each student entering college for the first time after 9-1-95 needs 1 dose of rubella and mumps vaccine or any combination containing live rubella and mumps virus administered after 1968.</del> Laboratory evidence of immunity is also acceptable.
VARICELLA  N.J.A.C. 8:57-4.17	1 dose on or after the first birthday.	All children 19 months of age and older enrolled into a child care/pre-school center after 9-1-04 or children born on or after 1-1-98 entering a school for the first time in Kindergarten, Grade 1, or comparable age entry level special education program with an unassigned grade, need 1 dose of varicella vaccine. Laboratory evidence of immunity, physician's statement or a parental statement of previous varicella disease is also acceptable.
HAEMOPHILUS INFLUENZAE B (Hib)  N.J.A.C. 8:57-4.15	(AGE 2-11 MONTHS) <sup>(1)</sup> : 2 doses (AGE 12-59 MONTHS) <sup>(2)</sup> : 1 dose	Mandated only for children enrolled in child care, pre-school, or pre-Kindergarten. <sup>(1)</sup> Minimum of 2 doses of Hib vaccine is needed if between the ages of 2-11 months. <sup>(2)</sup> Minimum of 1 dose of Hib vaccine is needed after the first birthday. DTP/Hib and Hib/Hep B also valid Hib doses.
HEPATITIS B  N.J.A.C. 8:57-4.16	(K-GRADE 12): 3 doses or 2 doses <sup>(1)</sup>	<sup>(1)</sup> If a child is between 11-15 years of age and has not received 3 prior doses of Hepatitis B then the child is eligible to receive 2-dose Hepatitis B Adolescent formulation. Laboratory evidence of immunity is also acceptable.





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MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School		
DISEASE(S)	REQUIREMENTS	COMMENTS
PNEUMOCOCCAL  N.J.A.C. 8:57-4.18	(AGE 2-11 MONTHS) <sup>(1)</sup> : 2 doses (AGE 12-59 MONTHS) <sup>(2)</sup> : 1 dose	Children enrolled in child care or pre-school on or after 9-1-08. <sup>(1)</sup> Minimum of 2 doses of Pneumococcal vaccine is needed if between the ages of 2-11 months. <sup>(2)</sup> Minimum of 1 dose of Pneumococcal vaccine is needed on or after the first birthday.
MENINGOCOCCAL  N.J.A.C. 8:57-4.20	(Entering GRADE 6 <i>(or comparable age level Special Ed program with an unassigned grade)</i> ): 1 dose <sup>(1)</sup> (Entering a four-year college or university, previously unvaccinated and residing in a campus dormitory): 1 dose <sup>(2)</sup>	<sup>(1)</sup> For students entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. <sup>(2)</sup> Previously unvaccinated students entering a four-year college or university after 9-1-04 and who reside in a campus dormitory, need 1 dose of meningococcal vaccine. Documentation of one prior dose is acceptable.
INFLUENZA  N.J.A.C. 8:57-4.19	(AGES 6-59 MONTHS): 1 dose ANNUALLY	For children enrolled in child care, pre-school or pre-Kindergarten on or after 9-1-08. 1 dose to be given between September 1 and December 31 of each year.

AGE APPROPRIATE VACCINATIONS (FOR LICENSED CHILD CARE CENTERS/PRE-SCHOOLS)	
CHILD'S AGE	NUMBER OF DOSES CHILD SHOULD HAVE (BY AGE):
2-3 Months	1 dose DTaP, 1 dose Polio, 1 dose Hib, 1 dose PCV7
4-5 Months	2 doses DTaP, 2 doses Polio, 2 doses Hib, 2 doses PCV7
6-7 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
8-11 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
12-14 Months	3 doses DTaP, 2 doses Polio, 1 dose Hib, 2-3 doses PCV7, 1 dose Influenza
15-17 Months	3 doses DTaP, 2 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose PCV7, 1 dose Influenza
18 Months – 4 Years	4 doses DTaP, 3 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose Varicella, 1 dose PCV7, 1 dose Influenza



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## PROVISIONAL ADMISSION:

Provisional admission allows a child to enter/attend school but must have a minimum of one dose of each of the required vaccines. Students must be actively in the process of completing the series. If a student is less than 5 years of age, they have 17 months to complete the immunization requirements. If a student is 5 years of age and older, they have 12 months to complete the immunization requirements.

## GRACE PERIODS:

- 4-day grace period: All vaccines doses administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require revaccination in order to enter or remain in a school, pre-school or child care facility.
- 30-day grace period: Those children transferring into a New Jersey school, pre-school, or child care center from out of State/out of country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.

2. **The immunization requirements outlined in I.1. above may be revised by Statute, administrative code, and/or the Commission of Health and Senior Services.**

## JF. Emergency Powers of the Commissioner of Health and Senior Services

1. ~~If a threatened outbreak, or outbreak of disease, or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, all students with provisional, religious, or medical exemptions (which relate to the specific disease threatening or occurring) shall be excluded from school. If these students become immunized or produce serologic evidence of immunity to the specific disease the student may immediately be readmitted to school.~~
12. If a **an outbreak or** threatened outbreak, ~~or outbreak~~ of disease or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, the State Commissioner or designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.
2. All children failing to meet the additional immunization requirements of N.J.A.C. 8:57-4.22 shall be excluded from school until the outbreak or threatened outbreak is over. These requirements shall remain in effect as outlined in **J.3. below and** N.J.A.C. 8:57-4.22(c).



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3. **These requirements or amendments shall remain in effect until such time as the Commissioner, Department of Health and Senior Services or designee determines that an outbreak or a threatened outbreak no longer exists or the emergency is declared over, or for three months after the declaration of the emergency whichever one comes first. The Commissioner, Department of Health and Senior Services or designee may declare a state of emergency if the emergency has not ended.**
43. The Commissioner of Health and Senior Services or designee may temporarily suspend an immunization requirement **for the particular immunization** in accordance with the reasons as outlined in N.J.A.C. 8:57-4.22(d).

Issued:



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# POLICY GUIDE

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Administering an Opioid Antidote

June 20

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[See **POLICY ALERT** Nos. 210, 217, and 220]

## 5330.04 ADMINISTERING AN OPIOID ANTIDOTE

N.J.S.A. 18A:40-12.24.a requires schools to adopt a Policy for the emergency administration of an opioid antidote to a student, staff member, or other person who is experiencing an opioid overdose.

N.J.S.A. 18A:40-12.24.a.(1) requires schools with any of the grades nine through twelve to comply with the provisions of the law.

### **[Option - Extend Provisions of N.J.S.A. 18A:40-12.23 et seq. to Schools with Other Grades**

and permits schools with students in other grades to comply with the provisions of N.J.S.A. 18A:40-12.24.a.(1). Therefore, the Board extends the provisions of N.J.S.A. 18A:40-12.23 through 12.27 to schools with any of the grades 9 through 12.]

N.J.S.A. 18A:40-12.24 requires a school to obtain a standing order for opioid antidotes pursuant to the “Overdose Prevention Act” - N.J.S.A. 24:6J-1 et seq. The school shall maintain a supply of opioid antidotes under the standing order in a secure, but unlocked and easily accessible location. The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building. **[Option - The Board may, in its discretion, make an opioid antidote accessible during school-sponsored functions that take place off school grounds.]**

The school nurse and a designated employee who volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c. are required to be trained for the administration of an opioid antidote in accordance with N.J.S.A. 18A:40-12.25.b. The school nurse or a designated employee who volunteers to administer an opioid antidote shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.



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## Administering an Opioid Antidote

N.J.S.A. 18A:40-12.24 permits the school nurse or a designated trained employee to administer an opioid antidote to any person whom the nurse or the trained designated employee who in good faith believes is experiencing an opioid overdose.

An overdose victim shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved.

In accordance with N.J.S.A. 24:6J-4.a.(1)(f), a prescriber or other health care practitioner, as appropriate, may prescribe or dispense an opioid antidote directly or through a standing order to a school, school district, or school nurse. In accordance with N.J.S.A. 24:6J-4.a.(2)(c), whenever the law expressly authorizes or requires a school or school district to obtain a standing order for opioid antidotes, the school nurse(s) employed or engaged by the school or school district shall be presumed by the prescribing or dispensing health care practitioner to be capable of administering the opioid antidote, consistent with the express statutory requirement.

Notwithstanding the provisions of N.J.S.A. 24:6J-4.a.(3)(b) to the contrary, if the law expressly authorizes or requires a school, school district, or school nurse to administer or dispense opioid antidotes pursuant to a standing order under N.J.S.A. 24:6J-4 et seq., the standing order issued shall be deemed to grant the authority specified by the law, even if such authority is not specifically indicated on the face of the standing order.

In accordance with the provisions of N.J.S.A. 18A:40-12.26, no school employee, including a school nurse or any other officer or agent of a Board of Education or charter school, or a prescriber of opioid antidotes for a school through a standing order, shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.23 et seq. Good faith shall not include willful misconduct, gross negligence, or recklessness.

Any school, school district, school nurse, school employee, or any other officer or agent of a Board of Education or charter school who administers or permits the administration of an opioid antidote in good faith in accordance with the provisions of N.J.S.A. 18A:40-12.24 and pursuant to a standing order issued under N.J.S.A. 24:6J-4 shall not, as a result of any acts or omissions, be subject to any criminal or civil liability or any disciplinary action for administering, or permitting the administration of, the opioid antidote in accordance with N.J.S.A. 24:6J-1 et seq. **Nothing in this Policy shall be interpreted to prohibit the**



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**administration of an opioid antidote to a student, staff member, or other person in an emergency during school hours or during on-site school-sponsored activities by an emergency medical responder or other person authorized by law to administer an opioid antidote, in accordance with N.J.S.A. 24:6J-1 et seq.**

**The Overdose Prevention Act provides that when a person, in good faith, seeks medical assistance for an individual believed to be experiencing a drug overdose, whether the person is seeking assistance for himself/herself or another, the person calling for help and the person experiencing the overdose shall not be arrested, charged, prosecuted, or convicted for certain criminal offenses enumerated in N.J.S.A. 2C:35-30(a)(1-6) and N.J.S.A. 2C:35-31(a)(1-6).**

Notwithstanding the provisions of any law, rule, regulation, ordinance, or institutional or organizational directive to the contrary, any person or entity authorized to administer an opioid antidote pursuant to N.J.S.A. 24:6J-4, may administer to an overdose victim, with full immunity: a single dose of any type of opioid antidote that has been approved by the United States Food and Drug Administration for use in the treatment of opioid overdoses; and up to three doses of an opioid antidote that is administered through an intranasal application, or through an intramuscular auto-injector, as may be necessary to revive the overdose victim. Prior consultation with, or approval by, a third-party physician or other medical personnel shall not be required before an authorized person or entity may administer up to three doses of an opioid antidote, as provided in N.J.S.A. 24:6J-4, to the same overdose victim.

A school district may enter into a shared services arrangement with another school district for the provision of opioid antidotes pursuant to N.J.S.A. 18A:40-12.27 if the arrangement will result in cost savings for the districts.

This Policy and Regulation 5330.04 shall be reviewed and approved by the school physician prior to Board adoption and whenever this Policy is revised. This Policy shall be made available to school staff members, parents, and students in handbooks, on the school district's website, or through any other appropriate means of publication.

N.J.S.A. 18A:40-12.23; 18A:40-12.24; 18A:40-12.25;  
18A:40-12.26; 18A:40-12.27

N.J.S.A. 24:6J-1 et seq.

Adopted:



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Administering an Opioid Antidote

June 20

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[See POLICY ALERT Nos. 217 and 220]

## R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE

### A. Definitions

1. “Opioid antidote” means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. “Opioid antidote” includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.
2. “Opioid overdose” means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.
3. “School-sponsored function” means any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized or supported by the school.
  - a. **The requirements of N.J.S.A. 18A:40-12.23 through 12.27 only apply to school-sponsored functions that take place in the school or on school grounds adjacent to the school building.**

### B. Acquisition, Maintenance, Accessibility, and Documentation of an Opioid Antidote

1. **In accordance with N.J.S.A. 24:6J-4(a)(1)(f) and N.J.S.A. 24:6J-4(a)(2)(c), the school physician may prescribe or dispense an opioid antidote through a standing order to the school district, school, or certified school nurse for administration to overdose victims. The school physician’s standing order must specify, at a minimum, the following:**





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Administering an Opioid Antidote

- a. **The certified school nurse is authorized to directly administer the opioid antidote to overdose victims in the event of an emergency; and**
  - b. **The school district, school or certified school nurse may also dispense or grant access, in emergency situations, to other persons employed by the district or school who have certified to having received training in the administration of the opioid antidote and overdose prevention information.**
- 24. The school nurse in each school that includes any of the grades designated by the Board in Policy 5330.04 shall obtain a standing order for opioid antidotes pursuant to the “Overdose Prevention Act” – N.J.S.A. 24:6J-1 et seq.
  - a. **Written standing orders shall be reviewed and reissued before the beginning of the school year in accordance with N.J.A.C. 6A:16-2.3(a)4(vi).**
- 32. The school nurse shall be responsible to:
  - a. Maintain a supply of opioid antidotes that have been prescribed under a standing order in a safe and secure, but unlocked and easily accessible location in the school:
    - (1) The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building.
  - b. Document the administration of an opioid antidote on a student’s health record;
  - c. Monitor the on-site inventory and replacement of the opioid antidote supply; ~~and~~
  - d. **Ensure the replacement of the opioid antidote supply following use or expiration of the opioid antidote; and**



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ed. Plan for the disposal of administered opioid antidote and expired opioid antidote **applicators**.

43. Opioid antidotes shall be maintained by a school pursuant to N.J.S.A. 18A:40-12.24.b.(1) in quantities and types deemed adequate by the Board, in consultation with the New Jersey Department of Education (NJDOE) and the Department of Human Services.

**[Option – Option D.1.c. below must be included if this Option B.4. is selected]**

54. The Superintendent or designee may, in his/her discretion, make an opioid antidote accessible during designated school-sponsored functions that take place off school grounds pursuant to N.J.S.A. 18A:40-12.24.b.(2).]

## C. Authorization and Training for Administering an Opioid Antidote

1. The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote.
2. However, the Board upon the recommendation of the Superintendent shall designate additional employees who volunteer to administer an opioid antidote in the event that a person experiences an opioid overdose when the nurse is not physically present at the scene.

### **[Optional]**

- a. **The district shall provide in writing to the school nurse and each employee designated by the Board written approval to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1). Each written approval shall be kept on file in the school nurse's office.**
- b. **The district shall notify all school staff members of the identity of each employee approved and designated by the Board to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1).]**



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3. The school nurse and designated employees shall only be authorized to administer opioid antidotes after receiving the training required under N.J.S.A. 18A:40-12.25.b **and N.J.S.A. 24:6J-5.**

- a. ~~Each school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall receive training on standardized protocols for the administration of an opioid antidote to a person who experiences an opioid overdose. The training shall include the overdose prevention information described in the "Overdose Prevention Act" N.J.S.A. 24:6J-5. The school district will provide training by an appropriate entity or entities as specified by the NJDOE's guidelines. A school nurse shall not be solely responsible to train the employees designated pursuant to N.J.S.A. 18A:40-12.24.c.~~ **Each certified school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall receive training on standard protocols from the school physician issuing the standing order or through a written agreement by the school physician with an organization that addresses medical or social issues related to drug addiction.**

**The training must address overdose prevention information, including but not limited to, the following:**

- (1) Information on opioid overdose prevention and recognition;**
- (2) Instruction on how to perform rescue breathing and resuscitation;**
- (3) Information on opioid dosage and instruction on opioid antidote administration;**
- (4) Information describing the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and**



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**(5) Instructions for appropriate care of an overdose victim after administration of the opioid antidote.**

**b. The district shall collect and maintain written evidence of satisfactory completion of the required training program before a certified school nurse or an employee is approved to administer opioid antidote.**

4. In the event a licensed athletic trainer volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.23 through 12.27, it shall not constitute a violation of the “Athletic Training Licensure Act” – N.J.S.A. 45:9-37.35 et seq.

**D. Administration of an Opioid Antidote**

1. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be authorized to administer an opioid antidote to any person whom the nurse or trained employee in good faith believes is experiencing an opioid overdose.
  - a. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.
  - b. Upon receiving a report or observing a possible opioid overdose in the school or at a school-sponsored function that takes place in a school or on school grounds adjacent to the school building at any time, the Principal or designee or any staff member present will immediately call the school nurse, if present, or a designated staff member who volunteered and was trained to administer an opioid antidote, and emergency medical responders.



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[Option – Option B.5. above must be included if Option D.1.c. below is selected

- c. School-Sponsored Functions Off School Grounds: Upon receiving a report or observing a possible opioid overdose occurring at a school-sponsored function that takes place off school grounds, as designated by the Superintendent or designee, a staff member shall immediately call the school nurse, if present, or a staff member who volunteered and was trained to administer an opioid antidote, if present, and emergency medical responders.]
2. **The certified school nurse or employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall determine, in addition to the opioid antidote, whether any other emergency medical response is necessary, including but not limited to, cardiopulmonary resuscitation (CPR), Rescue Breaths, or the use of an automated external defibrillator (AED).**
32. **The certified school nurse and/or other A staff member(s) shall monitor the person who has received an opioid antidote and keep the individual who may be experiencing an opioid overdose comfortable until emergency medical responders arrive on the scene.**
43. An **individual overdose-victim** shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved. **A student transported to the hospital shall be transported in accordance with the Board's Policy required in treating alcohol or other drug-affected students pursuant to N.J.A.C. 16-4.1(c)5.**
54. The Principal or designee shall notify the Superintendent or designee whenever an opioid antidote is administered.
65. The Principal or designee shall notify, as soon as practical, the parent of any student or a family member or other contact person for a staff member who may be experiencing an opioid overdose or has been administered an opioid antidote.



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7. **Nothing in Regulation 5330.04 shall be interpreted to prohibit the administration of an opioid antidote to a student, staff member, or other person in an emergency during school hours or during on-site school-sponsored activities by an emergency medical responder or other person authorized by law to administer an opioid antidote, in accordance with N.J.S.A. 24:6J-1 et seq.**
- E. **Use of Controlled Dangerous Substances**
1. Any student or staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of any applicable statutes and administrative codes and Board Policies and Regulations prohibiting the use of a controlled dangerous substance.
- F. **Limitation of Liability**
1. **Pursuant to N.J.S.A. 24:6J-4, the school district, school physician, certified school nurse, and other approved designees shall not, as a result of any acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote.**
  2. **Any person or entity authorized under N.J.S.A. 18A:40-12.23 through 12.28 to administer an opioid antidote, may administer to an overdose victim with full immunity:**
    - a. **A single dose of any type of FDA approved opioid antidote for use in treatment of opioid overdoses; and**
    - b. **Up to three doses of an intramuscular auto injector or an intranasal application of opioid antidote, as needed to revive the overdose victim.**

**Adopted Issued:**



# POLICY GUIDE

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[See **POLICY ALERT No. 140, 144, 147, 176, 203, 212, and 220**]

## 5610 SUSPENSION

The Board of Education recognizes that even the temporary exclusion of a student from the educational program of this district is a severe sanction and one that cannot be imposed without due process.

Any student who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, the conduct as defined in N.J.S.A. 18A:37-2 and the school district's Student Discipline/Code of Conduct Policy and Regulation in accordance with the N.J.A.C. 6A:16-7.1 et seq.

For the purposes of this Policy, "suspension" means the temporary removal of a student from the regular instructional program.

For the purposes of this Policy, "short term suspension" means a suspension for one, but not more than ten consecutive school days and "long term suspension" means a suspension for more than ten consecutive school days.

In accordance with the provisions of N.J.S.A. 18A:37-4, a student may be suspended only by the Principal, who shall report any suspension to the Superintendent as soon as possible. The Superintendent shall report the suspension to the Board at its next regular meeting. The suspended student may be reinstated by the Principal or by the Superintendent prior to the second regular meeting of the Board following the suspension, unless the Board reinstates the student at the first regular meeting. No student suspended for reasons of assault upon a person in authority may be reinstated before the Board has held a hearing, within thirty calendar days of the suspension, to consider that student's expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the student or continue the suspension.



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In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others. Students in preschool shall not receive an out-of-school suspension except as provided pursuant to the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq.

The district shall implement an early detection and prevention program to identify students in preschool through grade two who are experiencing behavioral or disciplinary problems and provide behavioral supports for these students which may include, but not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

## Optional

~~[The Board’s failure to take any such action at its second regular meeting after the suspension or at any regular meeting thereafter will terminate the suspension, and the student shall be readmitted to school.]~~

In each instance of a short-term suspension, the student will be provided oral or written notice of the charges and an informal hearing conducted by the Principal or designee in accordance with the procedures outlined in N.J.A.C. 6A:16-7.2. To the extent the student’s presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student’s educational program and the informal hearing shall be held as soon as practical after the suspension.

In each instance of a long-term suspension, the district shall assure the rights of the student pursuant to N.J.A.C. 6A:16-7.3.

The district will comply with the requirements of N.J.A.C. 6A:16-7.2 and 7.3, in addition to all the procedural protections set forth in N.J.A.C. 6A:14, for each student with a disability who is subject to a short-term or long-term suspension.

In each instance of a short- or long-term suspension, the district shall provide academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards pursuant to N.J.A.C. 6A:8-3.1 et seq., which





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may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services shall be provided within five school days of the suspension. Educational services provided to a student with a disability shall be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14.

**In the event a student has experienced multiple suspensions or may be subject to a proposed expulsion from school, the Principal shall convene a meeting, as soon as practicable, between the student and a school psychologist, a school counselor, a school social worker, a student assistance coordinator, or a member of the school's intervention and referral services team in accordance with the provisions of N.J.S.A. 18A:37-2c.**

Student records are subject to challenge by parents and adult students in accordance with N.J.A.C. 6A:32-7.7 and Policy and Regulation 8330. The name of a disciplined student will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such student will be designated by code.

N.J.S.A. 18A:37-1; 18A:37-2 et seq.; 18A:37-4; 18A:37-5

N.J.S.A. 18A:54-20g [vocational districts]

N.J.A.C. 6A:16-7.2; 6A:16-7.3; 6A:32-7.7; 6A:14-2.8

Adopted:



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[See POLICY ALERT Nos. 176, 203, 212, and 220]

## R 5610 SUSPENSION PROCEDURES

### A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Principal or designee, shall assure the rights of a student suspended for one, but not more than ten consecutive school days by providing for the following:
  - a. As soon as practicable, oral or written notice of charges to the student.
    - (1) When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided.
  - b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of the events regarding his or her actions leading to the short-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5.
    - (1) The informal hearing shall be conducted by a school administrator or designee;
    - (2) To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension;
    - (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and



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- (4) The informal hearing and the notice given may take place at the same time.
- c. Oral or written notification to the student's parent of the student's removal from the student's educational program prior to the end of the school day on which the Principal decides to suspend the student. The notification shall include an explanation of:
  - (1) The specific charges;
  - (2) The facts on which the charges are based;
  - (3) The provision(s) of the code of student conduct the student is accused of violating;
  - (4) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and
  - (5) The terms and conditions of the suspension.
- d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and
- e. Academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards.
  - (1) The student's academic instruction shall be provided within five school days of the suspension.
  - (2) At the completion of a short-term suspension, the Board of Education shall return a general education student to the general education program for which he or she was suspended.
  - (3) The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.



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2. The Principal suspending the student shall immediately report the suspension to the Superintendent, who shall report it to the Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
  3. An appeal of the Board's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
  4. For a student with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.
- B. Long-Term Suspensions
1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a student suspended for more than ten consecutive school days by providing the following:
    - a. Notification to the student of the charges prior to the student's removal from school;
    - b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
    - c. Immediate notification to the student's parent of the student's removal from school;
    - d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day;
    - e. Written notification to the parent by the Superintendent or designee within two school days of the initiation of the suspension, stating:



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- (1) The specific charges;
  - (2) The facts on which the charges are based;
  - (3) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3; and
  - (4) Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.
    - (a) The Board shall request from the parent and student written acknowledgement of the notification provided pursuant to N.J.A.C. 6A:16-7.3(a)5.iv subsequent to the removal of the student from his or her educational program, pursuant to N.J.A.C. 6A:16-7.3.
- f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to j. below;
  - g. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
  - h. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;
  - i. Either in- or out-of-school educational services that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with N.J.A.C. 6A:16-9 or 10.



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- (1) The student's educational services shall be provided within five school days of the suspension.
  - (2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education student based on the New Jersey Student Learning Standards and the following considerations:
    - (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
    - (b) The results of relevant testing, assessments, or evaluations of the student;
    - (c) The student's academic, health, and behavioral records;
    - (d) The recommendation of the Superintendent, Principal, or other relevant school or community resource;
    - (e) Considerations of parental input; or
    - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8.
  - (3) Educational services provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.
- j. A formal hearing before the Board that shall, at a minimum:
- (1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations.



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- (a) Before taking final action, the Board as a whole shall receive and consider either a transcript or detailed report on the hearing.
  - (2) Include the opportunity for the student to:
    - (a) Confront and cross-examine witnesses, if there is a question of fact; and
    - (b) Present his or her own defense, and produce oral testimony or written supporting affidavits.
  - (3) Take place no later than thirty calendar days following the day the student is suspended from the general education program; and
  - (4) Result in the Board's decision that shall be based, at a minimum, on the preponderance of competent and credible evidence.
- k. A written statement to the student's parent regarding the Board's decision within five school days after the close of the hearing. The statement shall include at a minimum:
- (1) The charges considered;
  - (2) A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the Board at the hearing;
  - (3) Factual findings relative to each charge and the Board's determination of each charge;
  - (4) Identification of the educational services to be provided to the student, pursuant to i. above;
  - (5) The terms and conditions of the suspension; and



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- (6) The right to appeal to the Commissioner of Education the Board's decision regarding the student's general education program, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
    - l. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and
    - m. At the completion of a long-term suspension, the Board shall return the general education student to the general education program.
2. An appeal of the Board's decision regarding the general education student's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
3. Suspension of a general education student shall not be continued beyond the Board's second regularly scheduled meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
  - a. The Board shall determine whether to continue the suspension, pursuant to B.1. above, based on the following criteria:
    - (1) The nature and severity of the offense;
    - (2) The Board's removal decision;
    - (3) The results of relevant testing, assessments, or evaluations of the student; and
    - (4) The recommendation of the Superintendent, after considering input from the Principal or Director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.





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- b. The Board shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event,

**~~[Option — Select option below or develop a local school district option~~**

~~\_\_\_\_\_ a special committee of the Board, which will include the Superintendent of Schools or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension. The committee's decision will be implemented subject to ratification of the committee's decision at the next regularly scheduled Board meeting.~~

~~\_\_\_\_\_.~~

4. When the Board votes to continue a general education student's suspension, it shall review the case, in consultation with the Superintendent, at each subsequent Board meeting for the purpose of determining:
- a. The status of the student's suspension;
- b. The appropriateness of the suspended student's current educational program; and
- c. Whether the suspended student's current placement, pursuant to i. above, should continue or whether the student should return to the general education program.
5. When the Board votes to continue a general education student's suspension, it shall make, in consultation with the Superintendent, the final determination on:



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- a. When the student is prepared to return to the general education program;
  - b. Whether the student will remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
  - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.
6. The Board shall provide a general education student suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or services, based on the criteria set forth under B.1.i.(2) above, until the student graduates from high school or reaches the age of twenty, whichever comes first.
  - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
  - b. The educational services provided, either in-school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
7. For a student with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.
  - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to a student with a disability who is subjected to a long-term suspension.
  - b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.



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- c. The provisions of B.2. through B.6. above shall not apply to students with disabilities.

## **C. Meeting with Student - Multiple Suspensions or Possible Expulsion**

1. In accordance with the provisions of N.J.S.A. 18A:37-2c, in the event a student has experienced multiple suspensions or may be subject to a proposed expulsion from school, the Principal shall convene a meeting, as soon as practicable, between the student and a school psychologist, a school counselor, a school social worker, a student assistance coordinator, or a member of the school's intervention and referral services team.
  - a. The Principal may convene such a meeting, if after the student has been suspended for the first time, the Principal upon evaluation deems such a meeting appropriate.
  - b. The purpose of the meeting shall be to identify any behavior or health difficulties experienced by the student and, where appropriate, to provide supportive interventions or referrals to school or community resources that may assist the student in addressing the identified difficulties.
2. The requirements of C.1. above shall not apply when a student's immediate removal or suspension from the school's regular education program is required pursuant to:
  - a. The provisions of the "Zero Tolerance for Guns Act," (N.J.S.A. 18A:37-7 et seq.);
  - b. N.J.S.A. 18A:37-2.1 – Assault by Pupil Upon Teacher, etc.; Suspension; Expulsion Proceedings;
  - c. N.J.S.A. 18A:37-2.2 – Offense by Pupil Involving Assault, Removal from Schools Regular Education Program; or



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- d. In any other instance in which the safety and security of other students or school staff requires the student's immediate removal from school.
3. In the instances provided in C.2.a. through d. above, the meeting required in C.1. above shall take place as soon as practicable following the student's removal from the school's regular education program.
4. The provisions of N.J.S.A. 18A:37-2c and C. of this Regulation shall be construed in a manner consistent with the "Individuals with Disabilities Act," 20 U.S.C. § 1400 et seq.

Adopted:



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[See **POLICY ALERT** Nos. 101, 140, 147, 166, 170, 176, 203, 212, and 220]

## 5620 EXPULSION

The Board of Education recognizes that expulsion from this district is the most severe sanction that can be imposed upon a student.

The Board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, only after the Board has provided the following:

1. The procedural due process rights set forth in N.J.A.C. 6A:16-7.1(c) 3 and 7.3, and as outlined in Policy and Regulation 5610, subsequent to a long-term suspension pursuant to N.J.A.C. 6A:16-7.3; and
2. An appropriate educational program or service, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f) and as outlined in Regulation 5610.
  - a. The educational program or service shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 - Program Criteria; N.J.A.C. 6A:16-10.2 - Home or Out-of-School Instruction for General Education Students; N.J.A.C. 6A:14-2.1 et seq. - Special Education, Procedural Safeguards; and N.J.A.C. 6A:14-4.3 ~~et seq.~~ - Special Education, Program Options, whichever are applicable; or
  - b. The educational services provided, either in school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25.

An appeal of the Board's decision regarding the cessation of the student's general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3-1.3 through 1.17. The Board shall continue to provide an appropriate educational program or service in accordance with N.J.A.C. 6A:16-7.4(a)2 until a final determination has been made on the appeal of the Board's action to expel a student.



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In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not be expelled from school, except as provided pursuant to the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq. Students in preschool shall not be expelled, except as provided pursuant to the “Zero Tolerance for Guns Act,” N.J.S.A. 18A:37-7 et seq.

The district shall implement an early detection and prevention program to: identify students in preschool through grade two who are experiencing behavioral or disciplinary problems; and provide behavioral supports for these students which may include, but not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services. An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.

**In accordance with the provisions of N.J.S.A. 18A:37-2c, in the event a student may be subject to a proposed expulsion from school, the Principal shall convene a meeting, as soon as practicable, between the student and a school psychologist, a school counselor, a school social worker, a student assistance coordinator, or a member of the school’s intervention and referral services team. The purpose of the meeting shall be to identify any behavior or health difficulties experienced by the student and, where appropriate, to provide supportive interventions or referrals to school or community resources that may assist the student in addressing the identified difficulties.**

**The requirements of N.J.S.A. 18A:37-2c shall not apply when a student’s immediate removal or suspension from the school’s regular education program is required pursuant to: the provisions of the “Zero Tolerance for Guns Act,” (N.J.S.A. 18A:37-7 et seq.); N.J.S.A. 18A:37-2.1 – Assault by Pupil Upon Teacher, etc; Suspension; Expulsion Proceedings; N.J.S.A. 18A:37-2.2 – Offense by Pupil Involving Assault, Removal from Schools Regular Education Program; or in any other instance in which the safety and security of other students or school staff requires the student’s immediate removal from school. In these instances, the meeting required pursuant to N.J.S.A. 18A:37-2c shall take place as soon as practicable following the student’s removal from the school’s regular education program.**



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**The provisions of N.J.S.A. 18A:37-2c shall be construed in a manner consistent with the “Individuals with Disabilities Act,” 20 U.S.C. § 1400 et seq.**

## **[Charter Schools Only]**

Except as otherwise provided in N.J.S.A. 18A:37-2a, a student may be expelled from a charter school based on criteria determined by the Board of Trustees, which is consistent with the provisions of N.J.S.A. 18A:37-2, and approved by the Commissioner of Education as part of the school’s charter. Any expulsion shall be made upon the recommendation of the charter school Principal, in consultation with the student’s teachers.]

A student with a disability shall only be expelled from his or her current program in accordance with N.J.A.C. 6A:14 et seq. An expulsion of a student with a disability from a receiving school shall be handled in accordance with N.J.A.C. 6A:14 et seq.

N.J.S.A. 18A:36A-9; 18A:37-2 **et seq.**; ~~18A:37-2a; 18A:37-2b;~~  
N.J.A.C. 6A:16-7.4; 6A:14 et seq.

Adopted:



## SCHOOL DISTRICT PROVIDED TECHNOLOGY DEVICES TO PUPILS

### 7523 SCHOOL DISTRICT PROVIDED TECHNOLOGY DEVICES TO PUPILS

The Board of Education may provide technology devices to pupils in the district for school district authorized use only. The purpose of this Policy is to establish general guidelines for the issuance and utilization of any school district technology device provided to pupils of this district. For the purposes of this Policy, "technology device" or "device" shall include, but not be limited to, portable devices such as computers, laptops, tablets, cellular telephones, or any other computing or electronic devices the school district provides to pupils to be used as part of their educational program.

A technology device made available to pupils will not be considered a textbook or supply, as defined in N.J.S.A. 18A:34-1, mandatory to a successful completion of the classroom curriculum. Therefore, because a technology device defined in this Policy is not mandatory to a successful completion of a pupil's classroom curriculum, a pupil will not be required to obtain a technology device provided by the school district as defined in this Policy. In the event the school district provides a technology device that is deemed mandatory to a successful completion of the classroom curriculum, the district will provide pupils with such a technology device consistent with its textbook or supply policies. Nothing in this Policy prohibits a pupil from using their personal technology device in accordance with school rules and regulations.

A technology device provided by the school district may include pre-loaded software. A pupil is prevented from downloading additional software onto the technology device or tampering with software installed on the technology device. Only school district authorized staff members may load or download software onto a school district provided technology device.

To receive a school district provided technology device, the parent and pupil must sign a School District Provided Technology Device Form requiring the parent and the pupil to comply with certain provisions. These provisions may include, but are not limited to:

1. A school district provided technology device must be used only by the pupil for school district authorized use;
2. A pupil shall comply with the school district's acceptable use of technology policies, which shall be attached to the School District Provided Technology Device Form, in their use of any school district provided technology device;





## SCHOOL DISTRICT PROVIDED TECHNOLOGY DEVICES TO PUPILS

3. Any school district provided technology device loaned to a pupil must be returned to the school district in the condition it was initially provided to the pupil considering reasonable use and care by the pupil;
4. The parent or pupil shall be responsible to reimburse the school district the replacement cost (rounded to the nearest whole dollar) of any technology device or its associated peripherals that are lost, damaged beyond reasonable use or beyond its value, abandoned, missing, stolen, or cannot be returned to the district in accordance with the terms of the School District Provided Technology Device Form;
5. The parents or pupil shall be responsible to pay a fine to the school district for any repairable damage to the device and/or peripherals in accordance with the terms of the School District Provided Technology Device Form ÷ per the following fine schedule:

a. Broken or Cracked Screen	<del>\$100.00</del>	<b>\$110.00</b>
b. Broken or Cracked Frame/Device Casing	<del>\$80.00</del>	<b>\$90.00</b>
c. Broken Keyboard / Missing Keys	<del>\$80.00</del>	<b>\$90.00</b>
d. Cosmetic or Other Damage	<del>\$70.00</del>	<b>\$80.00</b>
6. The district may require, or offer as an option, depending on the type of technology device provided to the pupil, an insurance policy to be purchased by the parent or pupil that would cover certain losses or damage to a technology device during the time period the pupil has possession of the device. The parent or the pupil shall pay any insurance policy required deductibles in the event of a loss;
7. In the event the school district does not require the purchase of an insurance policy for a technology device or the parent or pupil elects not to purchase optional insurance, the parent and/or pupil shall be responsible for any loss or damage to the technology device in accordance with the terms of the School District Provided Technology Device Form.
8. The school district shall offer parents and pupils the opportunity to pay an annual, non-refundable Technology Use Fee of ~~\$50.00~~ **\$60.00** which shall cover the first occurrence of accidental damage to the device. Parents may choose to waive this fee and shall then be responsible for damage as described in Item #5 above.
9. In the event the first occurrence of accidental damage has occurred, the parent and pupil shall have the opportunity to pay an additional ~~\$50.00~~



## SCHOOL DISTRICT PROVIDED TECHNOLOGY DEVICES TO PUPILS

**\$60.00** use fee to cover a subsequent occurrence of accidental damage. This payment must be received prior to the subsequent damage occurring or the device shall be deemed uncovered. The parent and pupil may exercise this option to pay the ~~\$50.00~~ **\$60.00** use fee a maximum of three (3) times in one school year, thus covering the cost of three (3) occurrences of accidental damage.

10. A pupil will be required to report any hardware or software problems in the operation of the device to the school district staff member, designated on the School District Provided Technology Device Form, within two school days of the commencement of the problem;
11. A pupil must report to the school district staff member designated on the School District Provided Technology Device Form within two school days in the event the technology device has been damaged or is missing;
12. A parent or pupil is required to immediately file a police report in the event it is believed the technology device has been stolen. Within one school day after filing a police report, a parent or pupil shall complete the School District Provided Technology Device Loss Form and submit the completed Loss Form and a copy of the police report to the Principal or designee;
13. A pupil shall be required to provide routine cleaning and care of the device in accordance with school district cleaning and care guidelines;
14. The pupil shall have the technology device in their possession in school as required; and
15. Any other provisions the Superintendent of Schools determines should be included on the School District Provided Technology Device Form.

The school district will provide the pupil and parent with written or electronic notification that the technology device provided by the school district may record or collect information on the pupil's activity or the pupil's use of the technology device if the device is equipped with a camera, global positioning system, or other feature capable of recording or collecting information on the pupil's activity or use of the device. This notification shall also include a statement that the school district shall not use any of the capabilities in a manner that would violate the privacy rights of the pupil or any individual residing with the pupil. The parent shall be required to acknowledge receipt of this notification and the parent acknowledgement shall be retained by the Principal or designee for as long as the pupil retains the use of the school district provided technology



## SCHOOL DISTRICT PROVIDED TECHNOLOGY DEVICES TO PUPILS

device. The parent acknowledgement and a signed School District Provided Technology Device Form shall be required before the issuance of a technology device to a pupil. In accordance with the provisions of P.L. 2013, Chapter 44, a school district failing to provide this notification shall be subject to a fine of \$250 per pupil, per incident. The fine shall be remitted to the New Jersey Department of Education, and shall be deposited in a fund that shall be used to provide laptop or other portable computer equipment to at-risk pupils as defined in N.J.S.A. 18A:7F-45.

Pupils shall comply with all school district policies for the use of a school district provided technology device. A pupil shall be subject to consequences in the event the pupil violates any school district policy, including the district's acceptable use policies; pupil code of conduct; any provision of this Policy; or any provision of the School District Provided Technology Device Form.

N.J.S.A. 18A:34-1

P.L. 2013, Chapter 44 – “The Anti-Big Brother Act”

Adopted: 19 August 2014

Revised: 28 July 2015

Revised: 19 July 2016

Revised: 17 July 2018



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[See POLICY ALERT Nos. 106 and 220]

## 8320 PERSONNEL RECORDS

The Board of Education believes that the orderly operation of the school district requires the retention of all records bearing upon an employee's qualifications for employment and employment history.

The Board requires that sufficient records be compiled and maintained to demonstrate an employee's qualifications for the position assigned; compliance with Federal, State, and local benefit programs; conformity to district rules; the proper conduct of evaluations; and the employee's entitlement, as appropriate, to tenure and seniority.

### **Optional**

[Only that information pertaining to the professional role of the employee and submitted by duly authorized school administrative personnel or the Board may be entered in an employee's personnel file.]

The Superintendent shall be responsible for the custody and maintenance of personnel records. A single, central file of documents shall be maintained; temporary, subsidiary records will be permitted for ease in data gathering only. An employee's personnel file shall be maintained for six years following his/her termination of district service, provided the employment history record card is maintained a minimum of eighty years.

### **Optional**

~~[The personnel files of this district will be reviewed annually and material no longer required will be destroyed.]~~

**A Board of Education and private agencies that provide educational services by means of public funds shall make employee records and information available for public access pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A:6-120.(d) and 121.(d), and as provided in Policy and Regulation 8320 - Section H.** ~~Records maintained in the personnel files of this district are not public records and are not open to inspection except as provided for in this policy. Board minutes and other public records of this district and any computerized files maintained by this~~



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~~district may include only an employee's name, title, position, assignments, salary, payroll record, length of service in the district and in military service, the date and reason for separation from service in this district, and the amount and type of pension a former employee receives.~~

Personnel records may be inspected by school administrators to the extent that such inspection is required in the performance of the inspector's duties.

Board members may have access to confidential information in the personnel files of only those employees recommended for or subjected to an employment action requiring a vote of the Board or where access to the information is essential for the performance of the Board member's duties. Board member access to personnel files is limited to the relevant portion of the file and is available only through the Superintendent. Board members may freely inspect employment applications filed by candidates for district positions.

An employee may inspect his/her personnel file provided that the employee requests such access in writing, reviews the record in the presence of the administrator designated to maintain the file, makes no alteration or addition to the file nor removes any material from it, and signs a log attached to the file indicating the date on which it was inspected.

An employee may appeal to the Superintendent the inclusion or exclusion of records or for appropriate administrative review of the accuracy of any record in his/her personnel file.

The Superintendent shall prepare rules enumerating the records to be maintained for each employee of this district, including, as a minimum and as appropriate to the position, the completed application form, employment contract(s), a copy of the employee's qualifying certification, transcripts, report of an employment physical examination, oath of allegiance, criminal background check, income tax forms, retirement registration, hospitalization forms, annuity forms, rate of compensation, attendance record, assignments to positions, completed evaluations, reports of disciplinary incidents, records of special awards or distinctions, and reports of annual or special physical and mental examinations.

N.J.S.A. 18A:18A-14.2; 18A:40-19; 18A:66-32

N.J.S.A. 47:1A-1 et seq.

**N.J.A.C. 6A:32-4.3**

Adopted:



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[See POLICY ALERT Nos. 106 and 220]

## R 8320 PERSONNEL RECORDS

### A. Content of Record

1. A personnel file shall be assembled and maintained for each person employed by this district. Each file shall contain the original or copies, as appropriate, of the following documents regarding the employee:
  - a. The employee's current correct name, address, telephone number, and birthdate;
  - b. Application form, including transcripts of all academic work, records of prior military service, and other supporting documents;
  - c. Annual employment contract and/or annual salary notice, signed by the employee;
  - d. Certificates and/or licenses required for employment;
  - e. Documentation of fulfillment of requirements for any change in salary classification;
  - f. Income tax forms;
  - g. Retirement registration;
  - h. Hospitalization forms;
  - i. Annuity forms;
  - j. Rate of compensation;
  - k. Attendance record, including the starting and ending dates of all leaves of absence, whether the leave was paid or unpaid, and the purpose for which such leaves were granted;
  - l. Assignment to positions, including position title and building to which assigned;



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- m. Completed evaluations;
- n. Reports of disciplinary incidents;
- o. Records of special awards, commendations, or distinctions;
- p. Oath of allegiance;
- q. Reports of routine physical examinations; and
- r. Reports of physical and mental examinations required for cause.

- 2. No information will be placed in an employees' file that does not pertain to the employee's position in this district and the performance of the employee's duties.
- 3. The content of personnel files will be reviewed annually and material no longer required will be destroyed.

## B. Custodian of Personnel Records

- 1. The Superintendent is custodian of all personnel records.
- 2. Personnel records shall be maintained in the office of the **Superintendent**, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.

## C. Notice of Content of Files

- 1. Each employee shall be informed of the content of his/her personnel file.
- 2. Each employee will be notified of the inclusion in his/her file of any document that was not received from the employee or at the direction of the employee.
  - a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee.



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- b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file.
- c. No report or letter or memorandum from any source, other than documents referred to in paragraph C2b above, may be placed in an employee's file until a copy of the same has been delivered to the employee.

## D. Employee Access to Personnel Records

- 1. Each employee shall be granted access to his/her personnel file in accordance with these regulations, except as may have been negotiated with the employee's majority representative.
- 2. Written request for access shall be submitted to the Superintendent. Except in unusual circumstances, access shall be granted only during the regular working hours of the office in which the file is kept.
- 3. The employee shall review the record in the presence of the Superintendent and, at the employee's request, a representative of the employee.
- 4. No alteration or addition or deletion may be made to the file, except that the employee may append to any document in the file his/her comment on that document.
- 5. The employee may hand copy any portion of his/her file and may receive photocopies of records on payment of the copying fees established for copies of public records.

## E. Appeal of Content of the File

- 1. The employee may appeal to the Superintendent the exclusion or inclusion of any portion of his/her personnel file or the accuracy of any information in the file.





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2. An appeal must be made in writing on a form available in the office of the Superintendent.
3. The Superintendent shall render a decision on the appeal as soon as possible, but not later than 10 working days from the time the written appeal is submitted. The Superintendent's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file.
4. Except as may be otherwise provided by contract negotiated with the employee's majority representative, the appellant may appeal the Superintendent's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.

## F. Access by Board Members and School Officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.
2. Personnel files may be inspected by Board members when such inspection relates to the Superintendent's recommendation of a candidate for employment, promotion, transfer, dismissal, or discipline.
3. Much of the information included in an employee's file is confidential; access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

## ~~G. Computerized Records~~

- ~~1. Computerized personnel records may include only the following information about an employee:~~
  - ~~a. Name, address, and telephone number;~~
  - ~~b. Social security number;~~
  - ~~c. Current assignment;~~



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- d. ~~Work experience;~~
  - e. ~~Employment date; and~~
  - f. ~~Salary guide and step.~~
2. ~~Computerized information may be used only for the following purposes:~~
- a. ~~Payroll;~~
  - b. ~~An employee's individual employment record; and~~
  - c. ~~Studies, reports, or surveys conducted by the district or a governmental agency and authorized by the \_\_\_\_\_, provided that such studies, reports, or surveys do not identify specific employees.~~

## **G. Public Access to Employee Records and Information**

1. **A Board of Education and private agencies that provide educational services by means of public funds shall make employee records and information available for public access, pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A:6-120(d) and 121.(d) in accordance with N.J.A.C. 6A:32-4.3 and as outlined in this Regulation.**
2. **In accordance with the provisions of N.J.S.A. 47:1A-10, notwithstanding the provisions of N.J.S.A. 47:1A-1 et seq. or any other law to the contrary, the personnel or pension records of any individual in the possession of a public agency, including but not limited to, records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:**
  - a. **An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received shall be a government record;**



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- ~~Issued~~**Adopted:**



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[See **POLICY ALERT No. 220**]

## 1649 FEDERAL FAMILIES FIRST CORONAVIRUS (COVID-19) RESPONSE ACT

The Federal Families First Coronavirus (COVID-19) Response Act (FFCRA) includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA). The EFMLEA expands the Federal Family and Medical Leave Act (FMLA) and the EPSLA provides employees with paid sick leave for specified reasons related to COVID-19.

The provisions of the FFCRA shall apply from April 1, 2020 through December 31, 2020.

### A. Emergency Family and Medical Leave Expansion Act (EFMLEA)

#### 1. Definitions - For the purposes of the EFMLEA:

- a. “Eligible employee” means an employee who has been employed for at least thirty calendar days by the employer with respect to whom leave is requested.
- b. “Employer” means any employer with fewer than five hundred employees.
- c. “Qualifying need related to a public health emergency” means with respect to leave, the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under eighteen years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.
- d. “Public Health Emergency” means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.



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- e. “Child care provider” means a provider who receives compensation for providing child care services on a regular basis, including an ‘eligible child care provider’ (as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n)).
- f. “School” means an ‘elementary school’ or ‘secondary school’ as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

### 2. Relationship to Paid EFMLEA Leave

The FFCRA includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) that amended the Federal Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq. to provide leave to an eligible employee because of a qualifying need related to a public health emergency with respect to COVID-19 - (U.S.C. 2612(a)(1)(F)).

#### a. Leave for Initial Ten Days

- (1) The first ten days of this FMLA leave for an eligible employee shall be

**[Select One Option -  X unpaid    \_\_\_paid.]**

- (2) If the first ten days of this FMLA leave are unpaid, an employee may elect to substitute any accrued vacation leave, personal leave, or emergency paid sick leave provided by the EPSLA for the initial ten days under the EFMLEA in accordance with 29 U.S.C. 2612(d)(2)(B).



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- (3) An employee may not use sick leave under N.J.S.A. 18A:30-1 for a qualifying need related to a public health emergency. However, an employee receiving sick leave under the provisions of N.J.S.A. 18A:30-1 may only use sick leave because of personal disability due to illness or injury, or because the employee has been excluded from school by the school district's medical authorities on account of contagious disease or of being quarantined for such a disease in his or her immediate household.

b. Paid Leave for Subsequent Days

- (1) An employer shall provide paid leave for each day of leave under the EFMLEA that an employee takes after taking such leave for ten days.
- (2) The paid leave for an employee shall be calculated based on:
  - (a) An amount that is not less than two-thirds of an employee's regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)); and
  - (b) The number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under A.2.(b)(4) below).
- (3) In no event shall such paid leave exceed \$200.00 per day and \$10,000.00 in the aggregate.



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(4) Varying Schedule Hours Calculation – In the case of an employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave under the EFMLEA, the employer shall use the following in place of such number:

(a) Subject to A.2.b.(4)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.

(b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

c. Employee Notice to Employer

(1) In any case where the necessity for leave under the EFMLEA for the purpose of a qualifying need related to a public health emergency is foreseeable, an employee shall provide the employer with such notice of leave as is practicable.

(a) A request for such leave that is foreseeable shall be submitted to the Superintendent prior to commencing the leave.



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- (b) A need for such leave that is not foreseeable shall be submitted to the **Superintendent** within one business day of the first day of the leave being taken by the employee.
- (c) The employee shall provide to the **Superintendent** the name of the employee's child, the name of the school, place of care, or child care provider that has closed or become unavailable, and a statement that no other suitable person is available to care for the child.

### d. Restoration to Position

- (1) The employee shall be restored to the same or equivalent position held by the employee when the leave commenced pursuant to 29 CFR 825.214. The requirement to restore the employee to the same or equivalent position held when the leave commenced does not apply to an employer who employs fewer than twenty-five employees if all four of the following conditions are met:
  - (a) The employee takes leave under the EFMLEA.
  - (b) The position held by the employee when the leave commenced does not exist due to economic conditions or other changes in operating conditions of the employer:
    - i. That affect employment; and
    - ii. Are caused by a public health emergency during the period of leave.





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- (c) The employer makes reasonable efforts to restore the employee to a position equivalent to the position the employee held when the leave commenced with equivalent employment benefits, pay, and other terms and conditions of employment.
- (d) If the reasonable efforts of the employer under A.2.d.(1)(c) above fail, the employer makes reasonable efforts during the period described in A.2.d.(2) below to contact the employee if an equivalent position described in A.2.d.(1)(c) above becomes available.

### (2) Contact Period

- (a) The period described under A.2.d. above is the one-year period beginning on the earlier of:
  - i. The date on which the qualifying need related to a public health emergency concludes; or
  - ii. The date that is twelve weeks after the date on which the employee's leave under the EFMLEA commences.

## B. Emergency Paid Sick Leave Act (EPSLA)

The FFCRA includes the EPSLA, which provides paid sick time to an employee to the extent the employee is unable to work or (telework) due to a need related to COVID-19. The paid sick time provided by the EPSLA and outlined in B.1. below cannot be taken with any other paid leave time provided by the employer.



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### 1. Definitions

#### a. For purposes of the EPSLA and this Policy:

(1) “Employee” means an individual who is employed by a private employer with fewer than five hundred employees and public employers with at least one employee.

(2) “Employer” means a private person or entity that employs fewer than five hundred employees and public employers that employ at least one employee.

(a) “Covered employer” includes any person engaged in commerce or in any industry or activity affecting commerce that:

- i. In the case of a private entity or individual, employs fewer than five hundred employees; and
- ii. In the case of a public agency or any other entity that is not a private entity or individual, employs one or more employees.

(b) “Covered employer” also includes:

- i. Any person acting directly or indirectly in the interest of an employer in relation to an employee (within the meaning of such phrase in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)); and



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- ii. Any successor in interest of an employer; and any “public agency”, as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).
- (c) “Covered employer” also includes any “public agency” as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).
- (3) “Employ” and “State” have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).
- (4) “Health care provider” and “son or daughter” have the meanings given such terms in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611).
- (5) “Paid sick time” means an increment of compensated leave that:
  - (a) Is provided by an employer for use during an absence from employment for a reason described in any paragraph of B.2.a. below; and
  - (b) Is calculated based on the employee’s required compensation under B.1.a.(6) below and the number of hours the employee would otherwise be normally scheduled to work (or the number of hours calculated under (B.1.a.(7) below), except that in no event shall such paid sick time exceed:



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- i. \$511.00 per day and \$5,110.00 in the aggregate for a use described in B.2.a.(1), (2), or (3) below; and
  - ii. \$200.00 per day and \$2,000.00 in the aggregate for a use described in B.2.a.(4), (5), or (6) below.
- (6) “Required Compensation” subject to B.1.a.(5)(b) above, the employee’s “required compensation” shall be not less than the greater of the following:
  - (a) The employee’s regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(e)).
  - (b) The minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).
  - (c) The minimum wage rate in effect for such employee in the applicable State or locality, whichever is greater, in which the employee is employed.

Subject to B.1.a.(5)(b) above, with respect to any paid sick time provided for any use described in B.2.a.(4), (5), or (6) below, the employee’s required compensation shall be two-thirds of the amount described in B.1.a.(6) above.
- (7) “Varying Schedule Hours Calculation” means in the case of a part-time employee described in B.3.b.(2) below whose schedule varies from week to week to such an extent that an employer is unable to



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determine with certainty the number of hours the

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employee would have worked if such employee had not taken paid sick time under B.2.a. below, the employer shall use the following in place of such number:

- (a) Subject to clause B.1.a.(7)(b) below, a number equal to the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.
- (b) If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

## 2. Paid Sick Leave Requirement

- a. An employer shall provide to each employee employed by the employer paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:
  - (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
  - (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.



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- (4) The employee is caring for an individual who is subject to an order as described in B.2.a.(1) above or has been advised as described in B.2.a.(2) above.

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- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

### 3. Duration of Paid Sick Time

- a. An employee shall be entitled to paid sick time for an amount of hours determined under B.3.b. below.
- b. The amount of hours of paid sick time to which an employee is entitled shall be as follows:
- (1) For full-time employees, eighty hours.
- (2) For part-time employees, a number of hours equal to the number of hours that such employee works, on average, over a two-week period.
- c. Paid sick time under the EPSLA shall not carry over from one year to the next.

### 4. Employer's Termination of Paid Sick Time

- a. Paid sick time provided to an employee under the EPSLA shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick time under B.2.a. above.



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### 5. Prohibition

- a. An employer may not require, as a condition of providing paid sick time under the EPSLA, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid sick time.

### 6. Use of Paid Sick Time

- a. The paid sick time under B.2.a. above shall be available for immediate use by the employee for the purposes described in the EPSLA, regardless of how long the employee has been employed by an employer.
- b. Sequencing Leave Time
  - (1) An employee may first use the paid sick time under B.2.a. above for the purposes described in the EPSLA.
  - (2) An employer may not require an employee to use other paid leave provided by the employer to the employee before the employee uses the paid sick time under B.2.a. above.

### 7. Notice

- a. Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in the EPSLA.
- b. Not later than seven days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a



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model of a notice that meets the requirements of B.7.a. above.

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### 8. Prohibited Acts

- a. It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who:
  - (1) Takes leave in accordance with the EPSLA; and
  - (2) Has filed any complaint or instituted or caused to be instituted any proceeding under or related to the EPSLA (including a proceeding that seeks enforcement of the EPSLA), or has testified or is about to testify in any such proceeding.

### 9. Enforcement

- a. Unpaid Sick Leave - An employer who violates B.2. through B.6. of this Policy shall:
  - (1) Be considered to have failed to pay minimum wages in violation of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); and
  - (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.
- b. Unlawful Termination - An employer who willfully violates B.8. above shall:
  - (1) Be considered to be in violation of section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)); and





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- (2) Be subject to the penalties described in sections 16 and 17 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216; 217) with respect to such violation.

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### 10. Rules of Construction

#### a. Nothing in the EPSLA shall be construed:

- (1) To in any way diminish the rights or benefits that an employee is entitled to under any:
  - (a) Other Federal, State, or local law;
  - (b) Collective bargaining agreement; or
  - (c) Existing employer policy; or
- (2) To require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid sick time under the EPSLA that has not been used by such employee.

### 11. Guidelines

- a. Not later than fifteen days after the date of the enactment of the EPSLA, the Secretary of Labor shall issue guidelines to assist employers in calculating the amount of paid sick time under the EPSLA.

### 12. Reasonable Notice

- a. After the first workday (or portion thereof) an employee receives paid sick time under the EPSLA, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.



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- b. The request for such leave shall be submitted to the \_\_\_\_\_, who may request documentation from the employee in support of the emergency paid sick leave.

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- c. The documentation shall include a signed statement containing the following information: the employee's name; the date(s) for which leave is requested; the COVID-19 qualifying reason for leave; and a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason.
- d. An employee requesting to take emergency paid sick leave under the EPSLA or the EFMLEA to care for his or her child must provide the following information: the name of the child being care for; the name of the school; place of care; or child care provider that closed or became unavailable due to COVID-19 reasons; and a statement representing that no other suitable person is available to care for the child during the period of requested leave.

### 13. Regulatory Authorities

- a. The Secretary of Labor shall have the authority to issue regulations for good cause under sections 553(b)(B) and 553(d)(A) of Title 5, United States Code:
  - (1) To exempt small businesses with fewer than fifty employees from the requirements of B.2.a.5. when the imposition of such requirements would jeopardize the viability of the business as a going concern; and
  - (2) As necessary, to carry out the purposes of the EPSLA, including to ensure consistency between the EPSLA and Division C and Division G of the FFCRA.



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Adopted:

