

RUTHERFORD BOARD OF EDUCATION
WORKSESSION – FEBRUARY 2, 2009

The Worksession Meeting was called to order at 7:31 P.M. in the High School Cafeteria by Vice-President Novosielski with the Pledge of Allegiance to the Flag. On roll call the following members were present: Mrs. Ahmed, Mrs. Cevasco, Dr. Fiume, Mr. Jasko, Mrs. Jones, Mr. McLean, Mr. Novosielski, and Ms. Williams. Mr. Casadonte was absent for the entire meeting. Ms. O'Keefe, Mr. Brown and Mr. Yousef were also present for the meeting.

N.J. OPEN PUBLIC MEETINGS LAW

The New Jersey Open Public Meetings Law was enacted to ensure the right of the public to have advance notice of and to attend the meeting of public bodies at which any business affecting their interests is discussed or acted upon. In accordance with the provisions of this Act, the Rutherford Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted on the bulletin board outside the Borough Clerk's Office, mailed to the News Leader, Herald, South Bergenite, and the Record newspapers, and filed with the Borough Clerk.

TAPING AND BROADCASTING OF MEETINGS

As approved by the Rutherford Board of Education, we are taping and broadcasting our worksessions and regular meetings. These meetings will be broadcast without editing during a two-hour time segment on Tuesday evenings at 8:00 PM on the Comcast public access channel. At the conclusion of the two-hour segment, the broadcast will end regardless of what part of the meeting is currently being viewed due to the Comcast time constraint. Any member of the public who wishes to view the two-hour tape should make a written request to the Board Secretary who will have a copy of the tape made available within two weeks of the request. There will be a nominal fee charged for this tape reproduction. We welcome comments from residents viewing the broadcast.

MINUTES APPROVAL

1A. Resolution by Mrs. Cevasco, seconded by Mrs. Jones.
BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that the minutes of the Regular Meeting of January 12, 2009 be approved as recorded.

Roll Call Vote:

Mrs. Ahmed – aye	Dr. Fiume – aye	Mr. McLean – aye
Mr. Casadonte – absent	Mr. Jasko – abstain	Mr. Novosielski – aye
Mrs. Cevasco – aye	Mrs. Jones – aye	Ms. Williams – aye

SPECIAL PRESENTATIONS:

- **Interim Report on the Achievement of District Goals - Leslie O'Keefe**

REPORT OF THE STUDENT REPRESENTATIVE TO THE BOARD

MEETING OPEN TO THE PUBLIC (Action Items Only) 7:43 P.M. No comments made.

NEW BUSINESS (Action to be Taken)

PERSONNEL:

Motion by Mrs. Ahmed, seconded by Mrs. Cevasco to approve Personnel Items #1A through #3A.

LORRAINE L. BROWN

1A. Motion to accept, with regret, the retirement of Mrs. Lorraine L. Brown, BSI language arts teacher at the high school, effective 6/30/09.

CHRISTINA SUDOL

2A. Motion to accept, with regret, the retirement of Mrs. Christina Sudol, lunch monitor at Union School, effective 1/1/09.

EMERGENT HIRES

3A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ the following applicant(s) under the emergent hiring law as per the State Department of Education:

Ilona Lippoczy - Lunch Monitor

Roll Call Vote Personnel Items #1A-#3A:

Mrs. Ahmed – aye	Dr. Fiume – aye	Mr. McLean – aye
Mr. Casadonte – absent	Mr. Jasko – aye	Mr. Novosielski – aye
Mrs. Cevasco – aye	Mrs. Jones – aye	Ms. Williams – aye

FINANCE:

Motion by Mr. Jasko, seconded by Ms. Williams to approve Finance Items #1A through #3A.

APPROVAL OF BILLS

1A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION that the bills listed below be approved.

Accounts Payable	\$290,889.76
Offline Checks	1,525,405.61
Payroll	1,183,394.91
General Activities	<u>31,571.88</u>
 Total	 <u>\$3,031,262.16</u>

TRANSFER OF FUNDS

2A. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following budget transfers for the 2008-2009 school year:

From:		
11-120-100-101	Salaries – Grades 1-5	146,110
11-230-100-101	Salaries – Basic Skills	44,499
11-000-223-890	Misc. Expense- Prof. Development	1,060
To:		
11-000-223-110	Curriculum Development	1,060
11-110-100-101	Salaries – Kindergarten	26,557
11-130-100-101	Salaries – Grades 6-8	119,518
11-150-100-101	Salaries – Home Instruction	35
11-204-100-101	Salaries – Spec. Ed.	27,375
11-213-100-101	Salaries – Resource Room	17,124

Rationale: To record transfers necessary to adequately fund payroll accounts for fiscal year 2008-2009.

From:		
11-000-291-270	Employee Benefits	50,000
11-204-100-320	Outside Services-Spec. Ed.	25,000
11-000-100-562	Tuition – Other LEAs	151,317
11-000-100-563	Tuition – Academies	36,750
11-000-100-565	Tuition-Special Services Schools	65,485
To:		
11-000-100-564	Tuition – Vocational Spec. Ed.	36,500
11-000-100-566	Tuition – Private Schools In-State	196,558
11-000-100-567	Tuition – Private Schools Out-of-State	95,494

Rationale: To record tuition adjustments necessary for the 2008-2009 school year.

From:		
11-000-216-100	Salaries-Speech	8,938
11-000-291-220	Employer FICA Taxes	2,690
11-000-291-260	W/C Insurance	24,042
11-403-100-329	Other Instruction Costs	2,580
To:		
12-000-240-730	Equipment-Administrative	5,270
12-000-260-730	Equipment – Maintenance	24,042
12-000-251-730	Equipment – Board Office	8,938

Rationale: To record transfer to fund new hearing and eye exam equipment at Union School, to purchase a new maintenance pickup truck that is 18 years old, and to purchase a new computer server for the Board Office.

From:		
11-000-291-220	Employer FICA	15,139
11-000-291-241	Pension Expense-PERS	6,861
11-000-291-270	Health Benefits	105,000
To:		
11-000-251-832	Interest Expense – Leases	6,861
12-000-400-721	Lease Purchase Payments – Principal	39,801
12-000-400-450	Construction Services	80,338

Rationale: To record transfer required to pay off short-term note for Power School, make first installment payment on new telephone system, and to fund additional costs for RHS boiler replacement and Union School A/C system.

From:		
11-000-291-270	Health Benefits	34,000
To:		
11-000-261-420	Outside Repairs – Maintenance	34,000

Rationale: To record transfer to fund the upgrading of the electrical service at Pierrepont School, and to refinish the gym floor at Union School.

From:		
11-000-270-514	Transportation – Contracted Services	1,950
To:		
11-000-270-420	Outside Repairs – Transportation	1,950

Rationale: To transfer funds for repairs to bus fleet just prior to annual inspection.

From:		
11-000-216-100	Salaries – Speech	1,000
11-000-291-270	Health Benefits	20,000
11-120-100-101	Salaries – Grades 1-5	43,000
To:		
11-000-216-600	Supplies – Speech	1,000
11-000-222-610	Library – Supplies	4,000
11-190-100-610	Classroom Supplies	25,000
11-190-100-640	Administrative Exp. Misc.	34,000

Rationale: To transfer funds to purchase additional teacher computers at Union and to purchase classroom furniture district-wide, to purchase additional biology and algebra textbooks at RHS, to purchase additional library supplies at Lincoln and Washington.

From:		
11-190-100-610	Classroom Supplies	1,000
11-190-100-106	Salaries – Classroom Aides	2,500
11-000-291-270	Health Benefits	16,000
To:		
11-000-291-290	Dental Insurance	16,000
11-190-100-500	Outside Prof. Svcs.	3,500

Rationale: To record miscellaneous transfers required for financial year-end activity.

From:		
11-000-230-100	Salaries – Board Office	4,183
11-000-291-270	Employee Benefits	20,000
To:		
11-000-230-339	Other Prof. Svcs.	24,183

Rationale: To fund services needed to have district-wide fixed asset inventory taken as recommended by district auditor, and to fund small increase needed in architect fees needed to finish up various projects.

ENERGY AUDIT PROGRAM 3A. WHEREAS, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

WHEREAS, the Rutherford Board of Education has decided to apply to participate in the Local Government Energy Audit Program; and,

WHEREAS, the facilities to be audited are in New Jersey, are owned by the Rutherford Board of Education, are served by a New Jersey regulated public utility, and that the Rutherford Board of Education has not already reserved \$100,000 in the Program this year as of this application; and,

WHEREAS, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

WHEREAS, upon acceptance into the Program, the Rutherford Board of Education will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

WHEREAS, the Rutherford Board of Education understands that energy audit work cannot proceed until a Application Approval Notice is received from the Program;

NOW, THEREFORE, BE IT RESOLVED by the Rutherford Board of Education, that it approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

Roll Call Vote Finance Items #1A-#3A:

Mrs. Ahmed – aye	Dr. Fiume – aye	Mr. McLean – aye
Mr. Casadonte – absent	Mr. Jasko – aye	Mr. Novosielski – aye
Mrs. Cevasco – aye	Mrs. Jones – aye	Ms. Williams – aye

NEW BUSINESS: (Action will not be taken)

BOARD SELF-EVALUATION 1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to accept the Board Self-Evaluation as reviewed and completed at the January 12, 2009 regular meeting.

BOARD PROFESSIONAL DEVELOPMENT IMPROVEMENT PLAN 2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following Board Professional Development Improvement Plan based upon the results of the Board Self-Evaluation completed on January 12, 2009 - to better understand monthly financial reports and the annual school audit by participating in a workshop or other development opportunities on this topic.

PERSONNEL:
Chairperson Ahmed reported on the items to be acted upon at the February 9, 2009 Regular Meeting.

PERSONNEL: Motion to move the following resignations, retirements, salary adjustments, reassignments, appointments, etc., as recommended by the Superintendent of Schools, pending approval from the State Department of Education, subject to the New Jersey Criminal Background Check and other legal requirements.

CST SERVICE PROVIDER 1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION for the Child Study Team to utilize the services of Mrs. Erin Tiffner to provide ABA home program services to students at the rate of \$35.00 per hour.

COACHING ASSIGNMENTS 2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following coaching changes for the 2008-2009 school year:

Rescind:

Michael Lyons - Volunteer Assistant Baseball Coach

Approve:

Nicholas Ackermann - Volunteer Assistant Baseball Coach

Jeffrey Tango - Volunteer Assistant Baseball Coach

SUBSTITUTE TEACHERS 3. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ the following as substitute teacher(s) effective 2/10/08 at the per diem rate of \$80.00 and in accordance with law:

Shea Bender
 Matthew Small
 Barbara Drew
 Tamara Skuthan
 Victoria Seetaram
 Alice Gleason
 Jennifer Carlin
 Lisa Biviano

SUB TEACHER ASSISTANTS 4. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ the following as substitute teacher assistants for the 2008-2009 school year at the hourly rate of \$9.00:

Geraldine Sico
 Alice Gleason

KRISTINA GAGLIARDI 5. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Ms. Kristina Gagliardi as a teacher assistant at Lincoln School effective 3/2/09 for 6.25 hours per day, 5 days per week at the hourly rate of \$16.72 (step 1). This is a replacement position.

PAULA DUMAS 6. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Ms. Paula Dumas as a home instructor for the 2008-2009 school year at the hourly rate of \$35.00.

ILONA LIPPOCZY 7. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to employ Ms. Ilona Lipoczzy as a lunch monitor at the high school effective 2/2/09 for 2 hours per day, 5 days per week, at the hourly rate of \$8.65 (step 1). This is a replacement position.

ANN MALINOWSKI 8. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to extend the long-term substitute librarian assignment of Mrs. Ann Malinowski at Union School effective 1/2/09 through 3/31/09.

REIMBURSEMENT FOR TRAVEL 9. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following travel reimbursement for the 2008-2009 school year:

Staff Name	Position	Name of Activity	Dates	Fee	Trans.	Meals	Lodgings	Other
John Hurley	Principal	Rutgers Job Fair	27-Feb	\$100		\$60 none	none	none
Margaret Vaccarino	Principal	NJ Middle School Mtg	26-Feb	\$0		\$10 none	none	none
Sharon Lopaty	Trainer	ATSNJ Sports MD	2-Mar	\$80		\$80 none	none	none
Lisa Martinelli	Grade 1 Tchr	Literacy Wkshop	25-Mar	\$178		\$10 none	none	none
Maria Considine	Nurse	MD Educ.Services	27-Feb	\$178		\$15 none	none	none
Bill Mains	Science Tchr	Project WET	12-Mar	\$25		\$10 none	none	none
Anne Hetzel	Reading Tchr	NJECC Conference	17-Mar	none		\$10 none	none	none

Margaret Vaccarino	Principal	Leader2 Leader	18-Mar	none	none	none	none	none
Kenneth Polakowski	Principal	NJMSA Mtg	26-Feb	none	none	none	none	none
Nadia Alvarado	French Teacher	NJECC Conference	18-Mar	\$170.00	\$10	none	none	none
Brenda Fargo	Research Asst	Columbia Job Fair	12-Mar	\$275	\$25	none	none	none
Brenda Fargo	Research Asst	NJSEAA Conf	20-Mar	\$115	\$10	none	none	none
Mary Seaman	Biology Tchr	Bio Assessment Rev	18-Feb	none	\$50	none	none	none
Pat Germain	Biology Tchr	Bio Assessment Rev	18-Feb	none	\$50	none	none	none
Judith DePasquale	Nurse	Healthcare Workshop	1-Apr	\$95	\$0	none	none	none

ROBERT R. BROWN

10. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the employment contract of Robert R. Brown, School Business Administrator/Board Secretary effective 7/1/08 through 6/30/09.

PROFESSIONAL DEVELOPMENT PLAN

11. Discussion of the district's 2009-2010 Professional Development Plan.

CURRICULUM AND INSTRUCTION:

Chairperson Williams reported on the items to be acted upon at the February 9, 2009 Regular Meeting.

NCLB

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the submission of an amendment to FY07 NCLB to budget FY06 carryover funds in the amount of \$5,616.

HOME INSTRUCTION

2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve home instruction for the following students (names on file in the office of the superintendent):

- Student "P" effective 1/05/09
- Student "Q" effective 1/21/09

OVERNIGHT TRIPS

3. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following overnight class trips for the 2008-2009 school year:

- Camp Mason, Hardwick NJ for 40 pupils from 3/23-3/25/09
- Future Business Leaders of America (FBLA) to attend a state competition in Edison, NJ from 3/12-3/13/09
- Wrestling team members who qualify to attend the NJSIAA Wrestling State Championships in Atlantic City, NJ from 3/6-3/8/09
- Spring track team members who qualify to attend the NJSIAA Spring Track State Championships in Egg Harbor, NJ from 5/29-5/30/09
- FCCLA Spring Leadership Conference for 10 pupils, Cherry Hill, NJ - 3/19-20/09

SCHOOL CALENDAR 2009-2010

4. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following school calendar for the 2009-2010 school year:

**RUTHERFORD PUBLIC SCHOOLS
SCHOOL CALENDAR
2009-2010**

Tuesday, September 1	Orientation of Teachers
Wednesday, September 2	Schools Open
Monday, September 7	Schools Closed, Labor Day
Tuesday, November 3	Schools Closed, Election Day
Thursday & Friday, Nov. 5, 6	Schools Closed, NJEA Convention
Thursday, November 12	One Session Day, Conferences (K-5 ONLY)
Friday, November 13	Schools Closed, Conferences (K-5 ONLY)
Wednesday, Nov. 25	One Session Day
Thursday & Friday, Nov. 26, 27	Schools Closed, Thanksgiving
Wednesday, December 23	One-Session Day
December 24 – January 1	Schools Closed, Holiday Recess
Monday, January 4	Schools Reopen
Monday, January 18	Schools Closed, Dr. King's Birthday
February 12 & 15	Schools Closed, Winter Recess
Friday, April 2	Schools Closed, Good Friday
April 5 - 9	Schools Closed, Spring Recess
Friday, May 28 days	Schools will be closed if any emergency closing are not used
Monday, May 31	Schools Closed, Memorial Day
June 17, 18, 21	One-Session Day for Students
Thursday, June 17	High School Graduation
Friday, June 18	Pierrepont Graduation
Monday, June 21	Union Graduation Last Day of School for Students K-12 Report Cards Issued
Tuesday, June 22	Teacher Workshop In-Service Day

NUMBER OF DAYS SCHOOLS ARE IN SESSION

September	20	February	18
October	22	March	23
November	16	April	16
	(15) K-5 Only	May	20
December	17	June	15
January	19		
Total:	94	Total:	92
	(93) K-5 Only	Total Days:	186
			(185) K-5
			(184) 12

POLICY:

Mrs. Jones reported on the meeting of the Policy Committee and items to be acted upon at the February 9, 2009 Regular Meeting.

NONRESIDENTS

1. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #5118 Nonresidents on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**PUPILS
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NONRESIDENTS

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

Pupils whose parents have moved away from the school district may not continue their children in the Rutherford Public Schools, unless:

- a) the child is in the twelfth grade in which case the pupil may finish the school year without payment of tuition, provided said pupil has completed the first semester of the senior year; or
- b) the child is in the eighth grade, in which case the pupil may finish the school year without payment of tuition, provided said pupil has entered the last marking period; or
- c) the child in any other grade has moved after April 30th.

~~Any child of a Board employee(s) who does not reside in Rutherford and who has been admitted to the Rutherford Public Schools prior to March 13, 1994, will be allowed to continue to attend on a non tuition basis for the remainder of the 1993-94 school year. As of March 13, 1994, no further admissions will be accepted. Continued attendance for the following school year(s) shall be subject to the remaining provisions of the policy. Entrance, however, will be predicated on the recommendation of the Superintendent of Schools considering such factors as the impact on class size, the need for extra faculty, etc. It is within the exclusive discretion of the Board whether to accept an application for admission as a non resident tuition pupil. In no instance shall a child be allowed to attend a class conducted by his/her mother or father if said teacher is in a self contained classroom. Eligibility shall be reviewed on an annual basis.~~

In the case of a Remission of Tuition Student, the following shall apply:

1. A non-resident Affidavit, Affidavit of Temporary Residence and, if applicable, a Landlord Affidavit must be filled out and signed by the parents, the resident(s) accepting the child, and the Landlord, in the presence of a notary. Please see attachments A, B, and C.
2. Upon initial petition, both the parent(s) and the resident(s) accepting the child must present a copy of their 1040 Income Tax Forms.
3. A copy of the 1040 Income Tax Form must be presented no later than April 30th of each school year by both the parent(s) and the resident(s) accepting the student(s).
4. Additional documentation to verify the statements contained in the affidavits may be requested by the Board of Education and its administration.

If the Superintendent finds that the parent(s)/guardian(s) of a student already admitted does not reside in the district or that the evidence does not support the tuition-free enrollment of an affidavit student already admitted, he/she may apply to the Board for removal or transfer of the student from the district's schools.

1. The parent(s)/guardian(s) or the resident, where appropriate, shall be entitled to prior written notice of such an application and to a hearing before the Board to oppose the application. If the Board concludes that any of the criteria in sections 1-4 above have not been met, it may order the transfer or removal of the student from school.
2. The parent(s)/guardian(s) or resident may, pursuant to law, contest the Board's decision to remove or transfer the student before the Commissioner of Education within 21 days of the decision date.
3. At the time of its decision, the Board shall notify the parent(s)/guardian(s) or resident in writing of its decision and his/her/their right to contest the decision within 21 days. No student shall be removed from school during that 21 day period or during the pendency of any proceeding before the commissioner.

4. If no appeal is taken from the Board's decision, or if the Commissioner concludes that the evidence does not support a claim for tuition-free enrollment, prorated tuition shall be assessed for the period of the student's ineligible attendance in the district's schools. The Board may pursue all available legal remedies to recover assessed tuition from the student's parent(s)/guardian(s), from the student if he/she is an adult, and/or from the Rutherford resident if an affidavit has been executed pursuant to sections 1-4.

Re-evaluation of Tuition-Free Enrollment Eligibility

If the Board reasonably determines that such action is warranted, it may, by Resolution, authorize the Superintendent to conduct a district-wide re-evaluation of the eligibility for tuition-free enrollment of all students currently so enrolled in the Rutherford Public Schools. If the re-evaluation is authorized during the summer recess, all students enrolled on a tuition-free basis as of the end of the preceding school year shall be subject to re-evaluation.

Exchange Students

The board may admit exchange students into district schools in order to promote cultural awareness and understanding among students (see policy 5111.1).

Nonresident Pupils

Nonresident pupils may be admitted to this district on payment of tuition and availability of space. Applications for admission shall be reviewed by the Superintendent who shall forward his/her recommendation to the Board of Education. It is within the exclusive discretion of the Board whether to accept an application for admission as a non-resident tuition pupil. No child, otherwise eligible, shall be denied admission on the basis of the child's race, creed, color, national origin, gender, or disability.

The continued enrollment of any non-resident pupil shall be contingent upon the maintenance of good standards of citizenship and discipline, attendance, and performance. Eligibility shall be reviewed on an annual basis.

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

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

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

The board shall not be responsible for the transportation to or from school of any nonresident pupils.

The board shall annually determine tuition rates for nonresident pupils.

Adopted: April 14, 2003
Revised: March 10, 2008
Revised:

Legal References:	<u>N.J.S.A.</u> 18A:7F-3	Definitions
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:36B-1 <u>et seq.</u>	Interdistrict Public School Choice Program Act of 1999
	<u>N.J.S.A.</u> 18A:38-1 <u>et seq.</u>	Attendance at school free of charge
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 38-2, 38-3, 38-8,38-9	
	<u>N.J.S.A.</u> 18A:46-20	Receiving pupils from outside district; establishment of facilities
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:12-1.3 <u>et seq.</u>	Interdistrict Public School Choice
	<u>N.J.A.C.</u> 6A:23-3.1	Method of determining tuition rates for regular public schools
	<u>N.J.A.C.</u> 6A:23-5.2	Method of determining the district of residence
	<u>N.J.A.C.</u> 6A:23-5.3	Address submission for determining the district of residence
	<u>N.J.A.C.</u> 6A:28-2.1 <u>et seq.</u>	Entitlement to Attend School Based on Domicile or
	<u>See particularly:</u>	Residency in District
	<u>N.J.A.C.</u> 6A:28-2.3, -2.4, -2.5	

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

Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)

ASSESSMENT OF INDIVIDUAL NEEDS

2. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #5120 Assessment of Individual Needs on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**PUPILS
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ASSESSMENT OF INDIVIDUAL NEEDS

Each pupil shall be assessed upon entrance into the district's schools and may be assessed annually thereafter, to identify pupils above or below district proficiency levels.

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

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

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

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

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

Adopted: April 14, 2003
Revised:

Legal References:	<u>N.J.S.A.</u> 18A:7A-10	<u>QSAC</u> - Evaluation of performance of each school
	<u>N.J.A.C.</u> 6:3-2.2(g) <u>6A:32-43</u>	Annual evaluation of tenured and nontenured chief school administrators
	<u>N.J.A.C.</u> 6:3-4.3(f) <u>32-4.4</u>	Evaluation of tenured teaching staff members
	<u>N.J.A.C.</u> 6:8-1.1	Words and terms defined
	<u>N.J.A.C.</u> 6:8-4.1 <u>NJSA 6A:32-14.1</u>	Review of mandated programs and services
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the Core Curriculum Content Standard
	<u>N.J.A.C.</u> 6A:8-4.1 <u>et seq.</u>	Implementation of the Statewide Assessment System

See particularly:

N.J.A.C. 6A:8-4.1(d),
-4.3(c)(d), -4.4

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

Graduation requirements

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

Special Education

See particularly:

N.J.A.C. 6A:14-3.3, 3.4, 3.8,
4.11, 4.12

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

Bilingual Education

See particularly:

N.J.A.C. 6A:15-1.3, -1.10,
-1.11

N.J.A.C. 6A:16-7.1 6A:16-8.1 IRSC Establishment of intervention and referral services

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

Manual for the Evaluation of Local School Districts (August 2000)

REPORTING TO PARENTS/
GUARDIANS

3. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the revisions to Policy #5124 Reporting to Parents/Guardians on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**PUPILS
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REPORTING TO PARENTS/GUARDIANS

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

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

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

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

A record shall be kept indicating the legal custodian of each pupil, so that reports can be made to and conferences arranged with the proper person. Non custodial parents shall receive copies of reports of student progress and any other materials as requested.

Parental Notification

The chief school administrator shall develop regulations to ensure that parents/guardians are notified in all instances when the law and/or the best interests of the pupil and the district require it. Parents whose parental rights have been terminated shall not receive any information pertaining to a pupil. A copy of the court order terminating parental rights shall be presented in order for records be denied access.

Adopted: April 14, 2003

Legal References:

N.J.S.A. 18A:7E-2
through -5

N.J.S.A. 18A:11-1

N.J.S.A. 18A:35-4.9

School report card program

General mandatory powers and duties

Pupil promotion and remediation; policies and procedures

<u>N.J.S.A.</u> 18A:40A-12	Reporting of pupils under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6:3-6.2(d, k)	General considerations
<u>N.J.A.C.</u> 6:8-2.1	Reporting requirements
<u>N.J.A.C.</u> 6A:8-4.3	Accountability
<u>N.J.A.C.</u> 6A:8-4.5	Public reporting
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
See particularly:	
<u>N.J.A.C.</u> 6A:14-1.1, -2.3, -2.4, -2.5, -2.6, -3.5, -7.9	
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
See particularly:	
<u>N.J.A.C.</u> 6A:15-1.13, -1.15	
<u>N.J.A.C.</u> 6A:16-1.4	District policies and procedures
<u>N.J.A.C.</u> 6A:24-1.1 <u>et seq.</u>	<i>Urban Education Reform in the Abbott Districts</i>
See particularly:	
<u>N.J.A.C.</u> 6A:24-2.1, -3.3, -4.1(i)8	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Manual for the Evaluation of Local School Districts (August 2000)

PUPIL RECORDS

4. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the revisions to Policy #5125 Pupil Records on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**PUPILS
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PUPIL RECORDS

The board of education shall conform in all respects to the requirements of state and federal law regarding gathering, maintaining, securing, disclosing, allowing access to and destruction of pupil records.

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

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

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

N.J.A.C. 6:3-6.3-6A:32-7.3

- (a) 1. Mandated pupil records include:
 - a. Personal data which identify each pupil enrolled in the school district. These data shall include the pupil's name, address, date of birth, name of parent(s), citizenship, telephone number, standardized assessment, test answer sheet (protocol), grades, classes attended, grade level completed, year completed, attendance, and sex of pupil. May not include religious or political affiliation of pupil and/or parent unless requested to do so in writing by the parent or adult pupil. Pupils may not be labeled ~~pupil~~ illegitimate;
 - b. Records of daily attendance;
 - c. Description of pupil progress according to the system of pupil evaluation used in the district; also record grade levels or other program assignments;
 - d. History and status of physical health compiled in accordance with state regulations; include-including results of physical examination by qualified district employees;

- e. Records pursuant to rules and regulations regarding education of educationally handicapped pupils;
- f. All other records required by State Board of Education;

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

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

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

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

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

Student Information Directories

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

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

Such rights include:

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

District Review of Pupil Records

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

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

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

Records of Classified Pupils

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

A special confidential file shall be maintained listing the code numbers assigned to disabled pupils on whose behalf the board of education must take public action. Motions concerning disabled pupils shall be anonymous and refer to this confidential file. This shall be maintained in accordance with N.J.A.C. 6:3-6.4 applicable law.

Parents/adult pupils or designees shall be permitted to inspect and review the contents of the pupil's record maintained by the district without unnecessary delay and before any meeting regarding the pupil's IEP. Any consent required for disabled pupils under N.J.A.C. 6:3-6 6A:32-1 et seq shall be obtained according to N.J.A.C. 6A:14-1.3 "Consent" and N.J.A.C. 6A:14-2.3.

Transfer of Pupil Records

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

Permitted Access to Pupil Records

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

A parent/guardian or adult pupil shall either have access to or be specifically informed about only that portion of another pupil's record that contains information about his/her own child or himself/herself. A pupil record may be withheld from a parent of a pupil under 18 or from an adult pupil only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld.

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

Only authorized organizations, agencies or persons as defined in code shall have access to pupil records.

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

The district will make a charge for copies.

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

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

Conditions of Access

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

Retention and Destruction of Records

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

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

Liability

Liability shall not be attached to any member, officer or employee of the board of education permitting access or furnishing pupil records in accordance with these rules and regulations. It shall be the responsibility of the chief school administrator to keep abreast of all changes in state and federal law and regulation concerning pupil records.

Adopted: April 14, 2003

Revised: November 13, 2006

Revised:

- Legal References:**
- N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
 - N.J.S.A. 18A:36-19 Pupil records; ~~creation, maintenance and retention, security and access; regulations; nonliability inspection, etc.~~
 - N.J.S.A. 18A:36-19a Newly enrolled students; ~~records and identification~~
 - N.J.S.A. 18A:36-19.1 Military recruiters; access to schools ~~and student information directories~~
 - N.J.S.A. 18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent
 - N.J.S.A. 18A:40-4 Examination ~~for physical defects and screening of hearing of students of~~ pupils; health records

 - N.J.S.A. 18A:40-19 Records and reports of tuberculosis testing; disposition; inspection

 - N.J.S.A. 26:5C-7 through -14 Acquired Immune Deficiency Syndrome
 - N.J.S.A. 47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")
 - N.J.S.A. 47:3-15 et seq. Destruction of Public Records Law
 - N.J.S.A. 52:17B-9.8a through -9.8c Marking of missing child's school record
 - N.J.A.C. 6A:8-4.2 Documentation of student achievement
 - N.J.A.C. 6A:14-1.1 et seq. Special Education
 - See particularly:
 - N.J.A.C. 6A:14-1.3, -2.3, -2.9, -7.9
 - N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
 - See particularly:
 - N.J.A.C. 6A:16-1.4, -1.5, -2.2, -3.2, -5.4, -6.5, -10.2
 - N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
 - N.J.A.C. 6A:32-2.1 Definitions
 - N.J.A.C. 6A:32-7.1 et seq. Student records
 - N.J.A.C. 6A:32-8.1 School register
 - N.J.A.C. 6A:32-14.1 Review of mandated programs and services
 - N.J.A.C. 8:61-1.1 Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)

 - N.J.A.C. 15:3-2 State records manual
 - 20 U.S.C.A. 1232g - Family Educational and Privacy Rights Act

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

 - 42 CFR Part II

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

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

 - Manual for the Evaluation of Local School Districts

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

AWARDS OF ACHIEVEMENT

5. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #5126 Awards of Achievement on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**PUPILS
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AWARDS FOR ACHIEVEMENT

General

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

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

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

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

Academic Recognition

The board directs the chief school administrator/designee to establish criteria and procedures for placing pupils in grades 6 through 12 on academic honor rolls.

To be eligible for a Board of Education Scholastic Award students must meet the criteria of Maximum Honors ~~or a 3.70 or higher weighted grade point average.~~

Athletic Participation

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

Service Participation

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

Award of Scholarships or Prizes

The Board of Education will permit the award of scholarships or prizes to deserving pupils provided that the information regarding pupils is released only in accordance with Board policy on pupil records, the manner of selection of the recipient is approved by the principal, and the nature of the prize or award is approved by the principal.

Adopted: July 14, 2003

Revised:

Legal References:

N.J.S.A. 18A:36-20 Discrimination; prohibition

N.J.S.A. 18A:71-27 Higher education; scholarship funds; establishment; administration

HARASSMENT, INTIMIDATION,
OR BULLYING

6. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #5131.1 Harassment, Intimidation, or Bullying on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**PUPILS
5131.1/page 1 of 6**

Harassment, Intimidation or Bullying

A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

The board prohibits acts of harassment, intimidation, or bullying. Acts of harassment, intimidation, or bullying against any pupil or staff member will result in the disciplinary sanctions included in policies on suspension and expulsion and conduct/discipline.

“Harassment, intimidation or bullying” are defined as any gesture or written, verbal or physical act or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus or any conduct away from school grounds in accordance with N.J.A.C. 6A:16-7.6 and that:

- A. A reasonable person should know, under the circumstances, will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

An electronic communication is a communication transmitted through the use of electronic means including but not limited to telephone, cellular phone, computer, pager, email, instant messaging, text messaging, internet blog, internet chat room, internet postings and website.

The Board of Education expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

Standards for student behavior shall be set cooperatively through interaction among the students, parents/guardians, staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.

The Board of Education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to grow in self-discipline.

Administrators shall ensure that appropriate consequences and remedial measures are imposed in response to an act or acts of harassment, intimidation or bullying.

In determining the appropriate response to one or more acts of harassment, intimidation or bullying, school administrators shall consider the following factors: the development and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, Federal and State statutes, regulations and policies, and district policies and procedures.

Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils. Consequences and appropriate remedial action for staff members who commit an act of harassment, intimidation or bullying shall include all forms of discipline consistent with district policies, procedures and agreements, and applicable law. Consequences for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history or problem behaviors and performance, and must be consistent with Board of Education's approved code of student conduct and N.J.A.C. 6A:16-7, Student Conduct. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, and protect the victim of the act. The consequences and remedial measures may include, but are not limited to, the examples listed below. Examples of Consequences: admonishment, temporary removal from the classroom, deprivation of privileges, classroom or administrative detention, referral to disciplinarian, in-school suspension during the school week or weekend, out-of-school suspension, legal action and expulsion.

Examples of Remedial Measures: restitution and restoration, mediation, peer support groups, recommendations of a student behavior ethics council; corrective instruction or other relevant learning or service experience, supportive student interventions, including participation of the Intervention and Referral Services Team pursuant to N.J.A.C. 6A:16-8, behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate; behavioral management plan, with benchmarks that are closely monitored, assignment of leadership responsibilities (e.g., hallway or bus monitor), involvement of school disciplinarian, student counseling, parent conferences, student treatment or student therapy.

Remedial measures may also include school and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying, school culture change, school climate improvement, adoption of research based, systemic bullying prevention programs, school policy and procedures revisions, modifications of schedules, adjustments in hallway traffic,

modifications in students routes or patterns traveling to and from school, targeted use of hallway, cafeteria or bus monitors, small or large group presentations for fully addressing the behaviors and the responses to the behaviors, general professional development programs for certificated and non-certificated staff, professional development plans for involved staff, disciplinary actions for school staff who contribute to the problem, supportive institutional interventions, including participation of the Interventions and Referral Services team pursuant to N.J.A.C. 6A:16-8, parent conferences, family counseling, involvement of community based organizations, development of general bullying responses plan, recommendation of a student behavior or ethics council, peer support groups and law enforcement involvement (e.g. school resource officer, juvenile officer).

Any school employee, pupil or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying must report the incident to the appropriate school official designated by the administration. At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report in writing alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers and visitors are encouraged to file a written report. While submission of a written report is not required, the reporting party is encouraged to use the report form available from the Principal of each building or at the school district office. Oral reports also shall be considered official reports. The Principal or the principal's designee shall record an oral report on the designated report form. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The principal and/or the principal's designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough and complete investigation of the alleged incident.

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

In considering whether a response beyond the individual level is appropriate, the administration should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

The school district prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with case law, federal and state statutes and regulations and district policies and procedures.

The Board of Education prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation or bullying. Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies, procedures and agreements. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying shall include all forms of discipline consistent with district policies, procedures and agreements, and applicable law. Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

The policy shall be disseminated annually to all school staff, students and parents, along with a statement explaining that it applies to all acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions or on a school bus. This policy shall be posted on the school district's website. The chief school administrator shall develop an annual process for discussing the school district policy on harassment, intimidation and bullying with students. The chief school administrator shall provide annually to students and their parents/guardians the rules of the district regarding student conduct, and the policy shall appear in all publications of the school district's comprehensive rules, procedures and standards of conduct for schools within the school district, including the student handbook. Provisions shall be made for informing parents/guardians whose primary language is other than English.

Implementation

The chief school administrator shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process. The chief school administrator shall incorporate information regarding the Board's policy against harassment, intimidation or bullying into the District's employee inservice programs.

The board shall review all related policies on a regular basis.

Adopted: August 11, 2003
Revised: July 9, 2007
Revised: March 9, 2009

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

N.J.S.A. 2C:12-1 Assault

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

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

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

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

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

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

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

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

N.J.S.A. 2C:33-4 Harassment

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

N.J.S.A. 18A:36-20 Discrimination; prohibition

N.J.S.A. 18A:38-5.1 No child to be excluded from school because of race, etc.

N.J.A.C. 6A:16-1.1 et seq. Programs to support student development

_____ New Jersey State Board of Education Resolution, September 3, 1980, encourages development of local written policy on pupil conduct.

_____ New Jersey State Board of Education Resolution, September 4, 1985, urges boards to consider expectations for pupil behavior developed by statewide advisory panel, and to develop and adopt appropriate expectations of behavior for district pupils.

_____ 20 U.S.C.A. 1415(k) Individual with Disabilities Education Act

_____ L.W. v. Toms River Regional Schools, 2007 N.J. Lexis 184 (2/21/07)

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

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

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

_____ Manual for the Evaluation of Local School Districts (August 2000)

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

_____ Saxe v. State College Area School District, 240 F.3d 200 (3d Cir. 2001)

_____ Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

_____ Recommended Guidelines for School Personnel for the Management Of Student Sexual Harassment in Schools (New Jersey Department of Education and Human Services, New Jersey Attorney General, February 22, 2000)

_____ N.J.S.A. 18A: 37-13 through 18A:37-19
N.J.A.C. 6A:16-7.9 et seq.

PUPIL USE OF BICYCLES AND MOTOR VEHICLES

7. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #5131.3 Pupil Use of Bicycles and Motor Vehicles on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**PUPILS
5131.3**

PUPIL USE OF BICYCLES AND MOTOR VEHICLES

The Board of Education regards the use of bicycles for travel to and from school by pupils as an assumption of responsibility by those pupils-responsibility in the care of property, the observation of safety rules, and the display of courtesy and consideration toward others.

The Board will permit the use of bicycles by pupils in grades 4 and above in accordance with the district rules., ~~provided that such pupils present written parental approval, have been granted permission by the building principal, and live no less than one half mile from the school they attend.~~

All students under the age of 14 must wear helmets when riding bicycles.

The principal may revoke a pupil's permit to operate a bicycle or motor vehicle on school grounds for failure to observe district rules.

The Superintendent shall develop and disseminate regulations for the operation and parking of bicycles and motor vehicles.

references: N.J.S.A. 39:4-10.1 et seq. Bicycle Helmet Safety Law

Adopted: December 10, 1984

Revised: May 8, 1995

Renumbered: 07/12/04 (5514)

PUPIL SAFETY 8. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #5142 on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**PUPILS
5142/page 1 of 6**

PUPIL SAFETY

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

Facilities

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

Staff Education and Training

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

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

The staff must maintain complete classroom and playground supervision during regular school hours. The chief school administrator shall seek the cooperation of parents/guardians to prevent any children being unsupervised on school property during lunch hour and during morning arrival and afternoon dismissal times. Further, the chief school administrator shall seek the cooperation of the police and other appropriate agencies in providing for the safety of pupils on or around school property. The board shall adopt the necessary regulations governing supervision of pupil safety.

The curriculum shall include courses in safety as required by state law. The chief school administrator shall oversee development and implementation of a vocational education safety program correlated with coursework. In development of courses, the safety of participating pupils shall be a primary consideration.

Dismissal from School

Pupils shall leave school property promptly at the end of the school day unless involved in an activity conducted under the supervision of a staff member. Parents of students in grades K-5 shall make arrangements for their child to travel home upon school dismissal. In the event that a child in the K-5 level is not picked up from school within 45 minutes after dismissal, the child

will be given over to the custody of the police department and will remain at police headquarters until picked up by the parent or other responsible adult. Once the child is turned over to the police, the school's responsibility ends.

No pupil shall leave the school before the end of the school day without permission of the principal. Employers of work/study pupils are required to report to the assistant principal if a pupil has not reported for work within one hour of the expected arrival time. Other pupils leaving before regular dismissal must be met in the school office and signed out by a parent/guardian or a person authorized to act in his/her behalf.

Whenever schools have an unscheduled early dismissal, every effort shall be made to contact the parent or emergency contact using the ~~parent district emergency notification phone chain facilitated by the PTA system~~. No child in grades K-5 shall be dismissed from school without a contact having been verified. In the event that a contact cannot be made and the child is not picked up within 45 minutes of the dismissal, the child will be given over to the custody of the police department and will remain at police headquarters until picked up by the parent or other responsible adult. Once the child is turned over to the police, the school's responsibility ends. In grades 6-8 ~~12~~ a parent contact will be attempted using the district emergency notification system but Students will be dismissed without the verification of the contact. ~~In grades 9-12 students will be dismissed without parental notification.~~ Parents will be informed of these procedures and advised to plan appropriately for unscheduled early dismissals. A record shall be kept indicating the legal custodian of each pupil. Such custodian shall be responsible for informing the chief school administrator of any change in the pupil's custody. If one parent/guardian has been awarded custody of the pupil in a divorce, the custodial parent must provide a copy of the divorce decree wherein the custodial arrangements are specified. The other parent/guardian shall present to the principal a letter authorizing him/her to accompany the child from school before the child may be released. The principal may take reasonable steps to verify the letter. It is the responsibility of the person or agency having custody to inform the school that such authorization will be required.

No pupil shall run errands on school business off the school property.

Voluntary Fingerprinting Program

The board of education shall facilitate a voluntary fingerprinting program for the protection of its pupils. This program shall be carried out in cooperation with the county sheriff's office and local law enforcement officials in accordance with the requirements of law.

Potentially Missing Children

Attendance practices, the dismissal precautions addressed in this policy and voluntary fingerprinting are part of the district's effort toward early identification of potentially missing children.

The chief school administrator will develop procedures that ensure cooperation with law enforcement for substances, weapons and safety. This may include cooperation with law enforcement in the activation of an "Amber Alert" which provides for the rapid dissemination of information, including a description of the missing child through broadcast media.

Release to an Individual Impaired by Drugs/Alcohol Prohibited

The board believes that allowing a child to be released into the custody of a parent/guardian or other authorized individual who appears to be impaired by drugs or alcohol can have tragic consequences. Therefore, the board prohibits release of a pupil into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the pupil if released to such a person. The chief school administrator/designee shall make the final determination as to whether an individual is impaired.

Possessions

Parents/guardians are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The board is not responsible for items destroyed or stolen from lockers.

Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The chief school administrator and principals in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the district. Principals shall inform those employees/volunteers whose duties regularly put them in a position to observe unauthorized persons on or near the property of the school. Principals shall determine whom to notify on the basis of this

definition, as well as on specific job duties carried out in their schools. If private vendors perform any of these functions, the chief school administrator shall inform the vendor.

Notification may include, but is not limited to:

- A. Aides
- B. Bus drivers
- C. Coaches
- D. Maintenance staff
- E. Professional support staff
- F. School level administrative staff
- G. Security personnel
- H. Teachers' aides
- I. Teachers

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General. Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environs, he/she shall immediately contact the local law enforcement agency or the county prosecutor.

District personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO, PTA, HSA, PTSA, etc.
- B. Organizations using school facilities
- C. Other schools
- D. Press

The principal shall provide registration forms to any organization that uses the school facilities, including parent-teacher organizations, that wishes to be notified by the county prosecutor's office of the presence of a Tier Two or Tier Three offender in the community.

In addition to the school personnel identified by the principal, students and parents/guardians shall be notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office. Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply. When a parent/guardian has been identified as an offender, he/she may continue to participate in all appropriate parent/guardian activities, unless prohibited by legal constraint.

Newly hired staff and newly enrolled students and their parents/guardians shall be trained and informed of the presence of Tier Two and Tier Three offenders, unless the county prosecutor has notified the principal that notice cannot be given.

Students and district employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The chief school administrator shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

School Violence Awareness Week and Annual Public Hearing

The school shall observe "School Violence Awareness Week". This week will include discussions, presentations, and training for both students and staff, focused on the topic of preventing violence in school. Law enforcement personnel will be invited to join school teaching staff presenting age appropriate opportunities for students to discuss issues including but not limited to conflict resolution, student diversity and tolerance.

The board of education shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A: 17-46 and N.J.A.C. 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

Adopted: April 14, 2003
Revised: January 8, 2007

Legal References:

N.J.S.A. 52:27D-123.9 et seq.	Definitions relative to playground safety
N.J.A.C. 5:23-11 to 11.4	Playground Safety Subcode
<u>N.J.S.A. 2C:7-2 et seq.</u>	Registration and Notification of Release of Certain Offenders
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 18A:6-2</u>	Instruction in accident and fire prevention
<u>N.J.S.A. 18A:16-2</u>	Physical examinations; requirement
<u>N.J.S.A. 18A:17-42, -43 and -45 through -48</u>	Public School Safety Law

<u>N.J.S.A.</u> 18A:20-21	Supervisors and other employees
<u>N.J.S.A.</u> 18A:35-5	Maintenance of physical training courses; features
<u>N.J.S.A.</u> 18A:35-5.1 through -5.3	Lyme disease prevention; public school health curriculum
<u>N.J.S.A.</u> 18A:36-24 through -25	Missing children; legislative findings and declarations
<u>N.J.S.A.</u> 18A:36-29 <u>et seq.</u>	Voluntary fingerprinting ...
<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, pupils and visitors in certain cases ...
<u>N.J.S.A.</u> 18A:41-1 <u>et seq.</u>	Fire drills and fire protection
<u>N.J.S.A.</u> 30:5B-26 through -29	Child care before and after school hours ...
<u>N.J.S.A.</u> 34:5A-1 <u>et seq.</u>	Worker and Community Right to Know Act
<u>N.J.S.A.</u> 39:4-183.1a	Traffic control devices
<u>N.J.A.C.</u> 6:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6:53-2.2	Safety and health program
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-2.1, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1, -6.2, -6.4, -6.5	
<u>N.J.A.C.</u> 6A:24-6.1(a)2	<i>Implementation of required programs in secondary schools</i>
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.2, -12.5	
<u>N.J.A.C.</u> 6A:27-11.1 <u>et seq.</u>	Safety

Manual for the Evaluation of Local School Districts (August 2000)

SPECIAL EDUCATION 9. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the
MEDICAID INITIATIVES following new Policy #3111 Special Education Medicaid Initiatives on first reading:

BOARD OF EDUCATION
 RUTHERFORD

BUSINESS/OPERATIONS
 3111/page 1 of 2

SPECIAL EDUCATION MEDICAID INITIATIVE (SEMI) PROGRAM

Every New Jersey school district, with the exception of any district that obtains a waiver of the requirements of N.J.A.C. 6A:23A-5.3 pursuant to the procedures set forth at N.J.A.C. 6A:23A-5.3 (b), shall take appropriate steps to maximize its revenue from the Special Education Medicaid Initiative (SEMI) Program by following policies and procedures to maximize participation in the program as set forth in N.J.A.C. 6A:23A05.3(d) and to comply with all program requirements as set forth in N.J.A.C. 6A:23A-5.3 (e).

The school district may seek, in the prebudget year, a waiver of the requirements of N.J.A.C. 6A:23AA-5.3 in accordance with the procedures as outlined in N.J.A.C. 6A: 23A-5.3 (b). As part of the annual budget information, the Department of Education shall provide each school district with a projection of available SEMI reimbursement for the budget year, as determined by the State Department of Treasury's third party administrator for SEMI.

Beginning with the 2009 – 2010 school year, the school district shall recognize as revenue in its annual school district budget no less than ninety percent of the projection provided by the Department of Education. The district may seek approval from the Executive County Superintendent to use its own projection of SEMI reimbursement upon demonstration that the numbers it used in calculating the projection are more accurate than the projection provided.

The school district shall strive to achieve maximum participation in the SEMI program. "Maximum participation" means obtaining a ninety percent return rate of parental consent forms for all SEMI eligible pupils. Districts shall enter all pupils following their evaluations into the third-party system to identify the district's universe of eligible pupils. This can be done without parental consent.

Districts participating in the SEMI reimbursement program shall comply with program requirements as outlined in N.J.A.C. 6A:23A-5.3 (e).

Each school district that has less than ninety percent participation of SEMI eligible pupils in the 2007-2008 school year or has failed to comply with all program requirements set forth in N.J.A.C. 6A23A-5.3 (e) shall demonstrate a good faith effort to achieve maximum participation and to maximize available SEMI revenue during the 2008-2009 school year by submitting a SEMI action plan to the Executive County Superintendent for review and approval by September 1, 2008. In subsequent years, each school district that has less than ninety percent participation of SEMI eligible pupils in the prebudget year or that has failed to comply with all

program requirements set forth in N.J.A.C. 6A:23A-5.3 (e) shall submit a SEMI action plan to the Executive County Superintendent for review and approval as part of the school district's proposed budget submission. The district's SEMI action plan shall include the components as outlined in N.J.A.C. 6A:23A:5.3 (g).

Districts that did not achieve ninety percent participation or achieve their approved benchmarks in the SEMI program for a given budget year and cannot demonstrate that they fully implemented their Department of Education approved SEMI action plan, shall be subject to review for the withholding of State aid by the Commissioner pursuant to N.J.S.A. 18A:55-3 in an amount equal to the SEMI revenue projection based on their approved benchmark for the budget year, if applicable, less actual SEMI reimbursements for the budget year. The State aid deduction shall be made in the second subsequent year after the budget year.

Adopted:

Legal References: N.J.A.C. 6A:23A-5.3

PURCHASES SUBJECT TO BID 10. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #3321 Purchases Subject to Bid on first reading:

BOARD OF EDUCATION
RUTHERFORD

BUSINESS/OPERATIONS
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PURCHASES SUBJECT TO BID

The Board of Education directs the establishment and conduct of bidding procedures that serve the public interest and provide each qualified vendor an equal opportunity to furnish goods and services to the district.

Every contract for the performance of work or the purchase or lease of materials or supplies not exempted by law will be subject to public bidding whenever the aggregate value of such a contract within one contract year exceeds the bid threshold established by law and in accordance with N.J.S.A. 18A:18A-3. (a). Whenever possible, purchases will be aggregated; purchases may not intentionally be divided to avoid the requirements for competitive bidding as required in N.J.S.A. 18A:18A-8. The purchase of textbooks and materials that exceed the bid threshold and are approved by the Board pursuant to N.J.S.A. 18A:34-1 shall not require the further adoption of a resolution for purchase.

Bid specifications will be prepared and/or are coordinated by the Business Administrator. Each bid specification will offer a common standard of competition and will assert the Board's right to accept reasonable equivalents and to reject all bids and re-advertise. The Business Administrator is authorized to advertise for bids in accordance with N.J.S.A. 18A:18A-21 without the prior approval of the Board, but shall inform the Board of any such advertisement at the Board meeting next following. Records of advertisements will be kept in detail sufficient to show that a reasonable number of qualified vendors were invited to bid.

Bids shall be opened publicly by the Business Administrator before one or more witnesses at a previously designated time and place. Contracts will be awarded, on a resolution duly adopted by the Board, to the lowest responsible bidder who submits the lowest responsible bid, except that the Board may choose to reject all bids, to re-advertise, or to purchase under a State contract. The Board may disqualify a bidder who would otherwise be determined to be the lowest responsible bidder in accordance with N.J.S.A. 18A: 18A-4. Whenever two or more bids are the lowest bids submitted by responsible bidders, the Board shall determine to which bidder the contract will be awarded.

The bid of a vendor who claims, before bids are opened, a mistake or omission in its preparation will be returned unopened. A bidder who discovers a mistake or omission after bids have been opened may withdraw the erroneous bid provided he or she gives immediate written notice of the mistake or omission and certification, supported by clear evidence, that he or she exercised reasonable care in the examination of the specifications and preparation of the bid. Any bidder who withdraws an opened bid shall forfeit any bid security deposited with the bid in accordance with law.

In accordance with the provisions of N.J.A.C. 6A:23A-5.4, pursuant to the authority granted the Commissioner of Education under N.J.S.A. 18A:55-2 and N.J.S.A. 18A:7F-60, the Commissioner shall subject to review for the withholding of State funds any school district that fails to obey the provisions of the Public Contract law, N.J.S.A. 18A:18A-1 et seq. The amount of funds to be withheld shall equal the amount of the contract awarded in violation of the provisions of N.J.S.A. 18A:18A-1 et seq. except for violations related to the award of contracts under the extraordinary unspecifiable services (EUS) provision which shall be governed by the provisions of N.J.S.A. 18A:18A-46.1.

Adopted:

Legal References: N.J.S.A. 18A:18A-1 et seq.
N.J.S.A. 18A:54-30 [vocational districts]
N.J.S.A. 6A:23A-5.4; 6A:27-9.1 et seq.

EXPENDITURES FOR NON-EMPLOYEE ACTIVITIES, MEALS AND REFRESHMENTS

11. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #3410 Expenditures for Non-Employee Activities, Meals and Refreshments on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

BUSINESS/OPERATIONS

3410

EXPENDITURES FOR NON-EMPLOYEE ACTIVITIES, MEALS AND REFRESHMENTS

There may be school district activities where expenditures for non-employee activities, meals, and refreshments may occur. Expenditures for non-employee activities, meals, and refreshments for school district activities are allowed provided the expenses are in accordance with the provisions of N.J.A.C. 6A:23A-5.8. For the purposes of this Policy, unless the context clearly indicates otherwise, "activities" means events or functions provided or held for the benefit of pupils, dignitaries, and other "non-district" employees (e.g. parents) which are paid from public funds. "Dignitary" means a notable or prominent public figure; a high level official; or one who holds a position of honor. A dignitary, for purposes of this Policy, is not a school district employee or Board of Education member.

Allowable expenditures for non-employee school district activities shall include:

1. All reasonable costs, including light meals and refreshments, directly related to activities that benefit pupils and are part of the instructional program including expenditures for field trips and extracurricular programs that are not solely for entertainment. Nothing in this Policy or N.J.A.C. 6A:23A-5.8 shall preclude the district from using student activity funds or accepting donations to support pupil activities that are solely for pupil entertainment;
2. All reasonable costs directly related to activities of dignitaries and other "non-district" employees (e.g. parents), including light meals and refreshments and any other directly related expense. Expenditures for this purpose shall be minimal and infrequent;
3. All reasonable costs of commencement and convocation activities for pupils; and
4. Expenditures related to district employees to the extent such employees are essential to the conduct of the activity.

Pursuant to N.J.S.A. 18A:11-12 and State of New Jersey Department of Treasury, Office of Management and Budget Circular 08-19-OMB and 06-14-OMB, the following costs shall not be permitted using public funding:

1. Receptions, dinners, or other social functions held for or honoring any employee or group of employees of the district, (retirement, awards, appointments, recognition, etc.);
2. Meals or refreshments served to guests at any athletic event or other game or contests; and/or
3. Expenses for alcoholic beverages.

The School Business Administrator/Board Secretary and/or designee shall maintain documentation to support activities, meals, and refreshments at district events. The documentation shall include a description of the activity, the purpose/justification of the activity, expressed in terms of the goal (s) or objective (s) of the district, the make-up of the group participating in the activity, and the names and titles of Board members or employees included in the group.

Adopted: March 9, 2009

Legal References: N.J.A.C 6A:23A-5.8

POLITICAL CONTRIBUTIONS DISCLOSURE REQUIREMENTS

12. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following new Policy #9272.1 Political Contributions Disclosure Requirements on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**BYLAW
9272.1/page 1 of 2**

POLITICAL CONTRIBUTION DISCLOSURE REQUIREMENTS

In accordance with the requirements of Section 2 of P.L. 2005, Chapter 271 (N.J.S.A. 19:44A-20.26), the Board of Education shall have on file, to be maintained with other documents related to a contract, the following documents to award a "non-fair and open" contract to any business entity receiving a contract with an anticipated value in excess of \$17,500.00:

1. A Political Contribution Disclosure (PCD) form submitted by the business entity (at least ten days prior to award); and
2. A Business Registration Certificate (anytime prior to award).

“Business entity” means a natural or legal person, business corporation, professional services corporation, limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of New Jersey or any other State or foreign jurisdiction.

A “non-fair and open” procurement process is one that does not meet the standards defined in N.J.S.A. 19:44A-20.7 as a “fair and open process.” “Fair and open” is defined as being:

1. Publicly advertised (either conventionally in newspapers or posted on the district website) in sufficient time (at least ten calendar days) to give notice in advance of the contract, and
2. Awarded under “a process that provides for public solicitation or proposals or qualifications,” and
3. Awarded under criteria established in writing by the Board prior to the solicitation of proposals or qualifications , and
4. Publicly opened and announced when awarded.

A PCD form is not required to be submitted by a business entity if the contract is awarded under a “fair and open” process as outlined above. Public bidding and competitive contracting models meet the requirements of a “fair and open” process.

The \$17,500.00 contract amount is not related to the Board’s bid threshold and does not exempt the district from the requirements of the Public School Contracts Law or other applicable purchasing statutes. The \$17,500.00 contract amount threshold is subject to the principle of aggregation rules in accordance with the Division of Local Government Services guidance.

The disclosure provisions of N.J.S.A. 19:44A-20.26 do not apply in cases where there is a “public emergency” that requires the immediate delivery of goods or services.

Insurance companies and banks are prohibited under State law from making political contributions. However, because the PCD form reflects contributions made by partners, Boards of Directors, spouses, etc., PCD forms are required ten days prior to the approval of a depository designation resolution or insurance company contract awarded by the Board.

PCD forms are not required for regulated public utility services, as the Board is required by the Board of Public Utilities to use a specific utility. This exception does not apply to non-regulated public utility services, such as generated energy (not tariffed), or long-distance telephone services where other procurement practices are used.

PCD forms are not required for Board of Education contracts with a New Jersey Department of Education “Approved in-state Private School for the Disable.” PCD forms are not required for membership to the New Jersey School Boards Association.

Adopted: March 9, 2009

Legal References: N.J.S.A. 19:44A-1 et seq.

BOARD OF EDUCATION
MEETINGS

13. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #1120 Board of Education Meetings on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**COMMUNITY RELATIONS
1120/page 1 of 2**

BOARD OF EDUCATION MEETINGS

Board of education meetings shall be a primary means of sharing information with community members and inviting their comments and suggestions. Regular and special meetings of the board of education are open to the public and representatives of the media, except when, by resolution at the public meeting, the board excludes the public from those parts of a meeting which deal with matters held confidential in accordance with law.

The board welcomes participation of interested organizations and individuals and will schedule time as appropriate for the public to speak. The length of time scheduled for public discussion shall be stated in the agenda, together with any time limit proposed for individual speakers.

The board will not permit unnecessary or undesirable identification of district pupils at public or board of education meetings, particularly when the pupil is subject to disciplinary action, or has been identified as having a disability. A special confidential file shall be kept of the names of pupils with disabilities on whose behalf the board must take public action. An unidentifiable coding shall be used when referring to the pupil.

Comments and questions at the end of regular meetings may deal with any topic related to the board's conduct of the schools. Comments at special meetings must be related to the call of the meeting. Advance announcement of all regular, scheduled special, and specially called meetings of the board is made through newspapers and other appropriate media outlets.

The Board shall include a discussion of the School Ethics Act and the Code of Ethics for School Board members annually at a regular scheduled public meeting.

In a regular meeting by September 30 or as required by law of each year, the chief school administrator shall report to the board the number of pupils graduated and the number of pupils denied graduation from the prior 12th grade class. This report shall include the number of pupils graduated under the special education and special review assessment procedures outlined in administrative code.

In a regular board meeting by October 30 or as required by law of each year, the chief school administrator shall provide a quality assurance report which includes information on the following topics:

- A. Implementation of school-level plans;
- B. Achievement of performance objectives;
- C. Each school report card, including pupil performance results and student behavior data;
- D. Professional development activities;
- E. Condition of school facilities;
- F. Status of mandated program reviews;
- G. Community support data as detailed in the administrative code.

In addition, the board shall conduct a public hearing in October to allow the chief school administrator to report to the board all acts of violence and vandalism that occurred during the previous school year. The proceedings shall be transcribed and kept on file by the board. The transcription shall be made available to the public.

Other items presented at board meetings must include, but are not limited to:

- A. Presentation of audit report;
- B. Presentation of budget;
- C. Dropout statistics; other demographic data;
- D. Mandated inservice programs.

Adopted: June 10, 2002
Revised: November 13, 2006
Revised:

Legal References:	N.J.S.A. 10:4-6 et seq.	Open Public Meetings Act
	N.J.S.A. 18A:7C-7	School administrators report on students awarded or denied diplomas
	N.J.S.A. 18A:10-6	Board meetings public; frequency; hours of commencement; adjournment, etc., for lack of quorum
	N.J.S.A. 18A:12.21 et seq	School Ethics Act
	N.J.S.A. 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report School employee reports of violence

NEEDLESS PUBLIC LABELING

14. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #1120.1 Needless Public Labeling on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**COMMUNITY RELATIONS
1120.1**

NEEDLESS PUBLIC LABELING

No educationally disabled pupil shall be needlessly publicly labeled, including the following:

- Personally identifiable data shall be kept confidential;
- Personally identifiable data shall not be included in public acts and records, except upon the written request of the parent or adult pupil;
- All pupil records shall be maintained according to N.J.A.C. ~~6:3-2;6A:32-7.1~~
- The avoidance of public labeling shall include, but is not limited to, public address announcements, classrooms signs, open circulation of documents designating an individual pupil or class as disabled, or open circulation of photographs and audio or videotapes.

Adopted: January 22, 1990
Revised: December 10, 1990
Revised: October 23, 1995 (as per I.D.E.A. language)
Renumbered: 07/12/04 (8350)
Revised:

SPECIAL INSTRUCTIONAL PROGRAMS

15. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #6171 Special Instructional Programs on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**INSTRUCTIONAL
6171**

SPECIAL INSTRUCTIONAL PROGRAMS

The regular curriculum of the district's schools is designed to accomplish the district's educational goals and objectives for a thorough and efficient system of education for all pupils.

When necessary, the regular ~~program~~ curriculum and/or the student's program shall be altered, modified, or supplemented or other means used to provide for the identified needs of the following pupils:

- A. The classifiable educationally disabled
- B. The gifted and talented
- C. Those requiring compensatory or remedial programs
- D. The disaffected and alienated
- E. Pregnant pupils
- F. Pupils requiring home instruction
- G. The physically disabled
- H. Those with limited English proficiency
- I. The disruptive
- J. Students with a disability covered by Section 504 plan

Adopted: April 12, 2004

Revised:

Legal References:	<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
	<u>N.J.S.A. 18A:35-4.9</u>	Pupil <u>P</u> romotion and remediation; policies and procedures
	<u>N.J.S.A. 18A:35-15</u>	
	through -26	Bilingual Education Programs
	<u>N.J.S.A. 18A:46-1 et seq.</u>	Classes and Facilities for Handicapped Children
	<u>N.J.S.A. 18A:46A-1 et seq.</u>	Auxiliary services
	N.J.A.C. 6:8-4.1	Review of mandated programs and services
	<u>N.J.S.A. 6A:32-14.1</u>	
	<u>N.J.A.C. 6A:8-3.1</u>	Curriculum and instruction
	<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
	<u>N.J.A.C. 6A:15-1.1 et seq.</u>	Bilingual Education

Manual for the Evaluation of Local School Districts (August 2000)

CHILD STUDY TEAM

16. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #6164.4 Child Study Team on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**INSTRUCTIONAL
6164.4/page 1 of 2**

CHILD STUDY TEAM

The board of education shall provide the services of child study team personnel in numbers sufficient to ensure implementation of pertinent law and regulation. The chief school administrator shall present to the board for approval job descriptions, qualifications and evaluation criteria for positions required, and shall present to the board for hiring the best qualified applicants.

When ~~complete~~ additional or more comprehensive evaluations of pupils are necessary, the chief school administrator shall recommend for board approval qualified persons or agencies to supplement the district team. Appropriate staff members, such as the nurse and teachers assigned to the pupil, shall also be involved.

Pupils who have been identified by any professional staff member, the parents/guardians of the child, a child welfare agency or by the health services staff as possibly having an educational disability shall be considered for evaluation.

Teachers and administrators shall provide intervention resources (e.g., Intervention and Referral Services Committee, RTI committee, adaptive teaching methods and materials, schedule changes, modified workloads, corrective or remedial instruction, etc.) in order to discover whether an observed difficulty is the result of problems within the educational delivery system. Parents/guardians shall be notified of such interventions. The members of the child study team shall be available to discuss problems informally with teachers and parents/guardians.

If the problems persist despite these intervention techniques, a formal referral, requiring due process procedures, shall be initiated. The examination of each such pupil shall proceed promptly in strict accordance with law. The board shall review and adopt the regulations governing the referral process.

Examination of each identified child shall may consist of a physical examination, a psychological examination, an educational examination, a social case study, and/or such other examinations as may be deemed necessary by the child study team.

Disaffected Pupils

In addition to the educationally disabled, the child study team shall consider and recommend appropriate remedies and/or programs for pupils exhibiting disaffected behavior patterns. A survey of needs shall be conducted for each such pupil. If the survey indicates the advisability of a complete evaluation, a referral shall be initiated and due process followed. If the survey indicates a change in program, the child study team shall cooperate with the teaching staff in developing an appropriate program, including, if necessary, alternative programs.

Disruptive Pupils

All staff members shall be familiar with and implement the discipline policies and procedures adopted by this board. This implementation will identify the pupil who is disruptive. Staff members shall report the names of pupils who disrupt the educational program to the appropriate administrator who shall initiate actions which will ensure the involvement of the pupil's family and the provision of counseling and assessment services, so as to determine the causes of the pupil's disruptive behavior. A request for pre-referral intervention shall be made to the Intervention and Referral Services Committee. Once that process has been exhausted, a ~~or for~~ referral for evaluation may be made to the child study team. Throughout this process, administrators, support staff, teachers, parents/guardians, and if prudent, the pupil are to be involved. If all strategies prove unsuccessful, referral to the appropriate outside agency may be made.

In accordance with state law and board policy, disruptive pupils whose continuing attendance interrupts the educational program and/or threatens harm to themselves and others may be suspended and considered for expulsion.

Adopted: April 12, 2004

- Legal References:
- N.J.S.A. 18A:46-3.1 Regional consultants for hearing impaired; appointment; duties
 - N.J.S.A. 18A:46-5.1, -5.2 ~~Basic child study team services; provision by boards of education and state operated programs~~ Provision of services; Team members; Evaluation to include participation by parent or guardian
 - N.J.A.C. ~~6:8-4.4~~ 6A:32-14.1 Review of mandated programs and services
 - N.J.A.C. ~~6:11-11.8~~ 6A:9-13.5 School social worker
 - N.J.A.C. ~~6:11-11.9~~ 6A:9-13.6 Speech-language specialist
 - N.J.A.C. ~~6:11-11.10~~ 6A:9-13.7 Director of student personnel services
 - N.J.A.C. ~~6:11-11.11~~ 6A:9-13.8 Student personnel service
 - N.J.A.C. ~~6:11-11.12~~ 6A:13-9 School psychologist
 - N.J.A.C. ~~6:11-11.13~~ 6A:13-9.10 Learning disabilities teacher-consultant
 - N.J.A.C. 6A:14-1.1 et seq. Special Education
 - 20 U.S.C.A. 1400 et seq. - 2004 Individuals with Disabilities Education Improvement Act, P.L. 108-446 404-476 (formerly Education for All Handicapped Children Act - Part B)
 - 29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION PUPILS

17. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #6164.1 Intervention and Referral Services for General Education Pupils on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**INSTRUCTIONAL
6164.1**

INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION PUPILS

The board of education shall provide a program of intervention and referral services for general education pupils who are experiencing personal, interpersonal or academic difficulties to help them function productively and develop positively in the classroom environment.

The chief school administrator shall prepare procedures to:

- A. Identify pupils in need, and plan and provide for appropriate intervention or referral services and/or referral to school and community resources;

- B. Identify the roles and responsibilities of the building staff who participate in planning and providing intervention and referral services;
- C. Provide support, guidance and professional development to school staff who identify and refer pupils and to school staff who participate in planning and providing intervention and referral services;
- D. Actively involve parents/guardians in the development and implementation of intervention and referral plans;
- E. Coordinate the access to and delivery of school services for identified pupils;
- F. Coordinate the services of community-based social and health provider agencies; and
- G. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan.

The board shall review and adopt these procedures, and the chief school administrator shall report to the board on their implementation.

Adopted: April 12, 2004

Legal References: N.J.A.C. 6:26-1.1 et seq. Intervention and referral services for general
N.J.A.C. 6A: 16-8.1 et seq. education pupils

SPECIAL EDUCATION

18. BE IT RESOLVED BY THE RUTHERFORD BOARD OF EDUCATION to approve the following revisions to Policy #6171.4 Special Education on first reading:

**BOARD OF EDUCATION
RUTHERFORD**

**INSTRUCTIONAL
6171.4/page 1 of 14**

SPECIAL EDUCATION

In compliance with state department of education interpretation of the administrative code on special education, the board adopts the following revision/amendment of its existing policies on providing educational and related services to pupils identified as having educationally disabling conditions as defined in federal and state law.

- A. Identification, location and evaluation of potentially educationally disabled pupils, according to N.J.A.C 6A:14-3.3

The chief school administrator shall prepare written procedures for locating, identifying and evaluating all students with disabilities, ages three through 21, who reside within the district, including students with disabilities attending nonpublic schools, or who may be homeless, who are in need of special education and related services, regardless of the severity of their disabilities.
(POLICY 1)

Homeless students will be located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and will be provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq. (POLICY 2)

Procedures shall include provision for the referral of pupils who may be experiencing physical, sensory, emotional, communication, cognitive or social difficulties.

In order to ensure program placement by a disabled child's third birthday, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14. (POLICY 18)

- B. EVALUATION AND DETERMINATION OF ELIGIBILITY

The evaluation process to determine a pupil's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.5, 3.4 and 3.5 concerning:
(POLICY 3)

- 1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- 2. An initial evaluation that consists of a multi-disciplinary assessment in all areas of suspected disability and a written report of the results of each assessment;

3. Determination that a pupil is eligible for special education and related services when he/she has been identified as having one or more of the thirteen categories of disability described in the administrative code, and the disability adversely affects the pupil's educational performance. The chief school administrator shall oversee development of detailed procedures to govern the evaluation process, and shall implement them after they have been reviewed and adopted by the board.

The board shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians. Relevant information shall also be related to enabling the pupil to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

Students with disabilities will be afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent, when appropriate. (POLICY 7)

C. DETERMINATION OF ELIGIBILITY ACCORDING TO N.J.A.C. 6A:14-2.3(i)1 AND 3.5 THROUGH -3.6

Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the pupil's educational performance or district's programs; the pupil, where appropriate; at least one child study team member who participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or district; and for an initial eligibility meeting, certified school personnel referring the pupil as potentially disabled, or the school principal or designee if they choose to participate.

A pupil shall be determined eligible and classified for special education and related services when it is determined that the pupil has one or more of the disabilities defined in the administrative code.

A pupil shall be determined eligible for speech-language services when he/she exhibits a speech or language disorder as outlined in the administrative code.

D. PROVISION OF FULL EDUCATIONAL OPPORTUNITY TO EDUCATIONALLY DISABLED PUPILS

The board of education is responsible for providing education for all children resident in the district. All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or evaluation. When a pupil is found eligible for special education and related services and the board of education cannot provide required instruction and related services from its own resources and facilities, the board will seek appropriate placement outside the district, and will assume such costs of that placement as are required by law.

The board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled pupils to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.

When instruction in health, fine, performing and/or practical arts, music, home economics, and other education programs is provided to groups consisting solely of pupils with disabilities, the size of the groups and age range shall conform to the requirements for special class programs described in the administrative code.

When pupils with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of pupils with disabilities, the age range and group size shall be based on the nature of the activity, needs of the pupils participating in the activity and the level of supervision required.

The goal of the board's special education program is to provide full educational opportunity to all educationally disabled resident pupils ages three through 21, including homeless students, as those terms are defined in federal and state law. The board will make available to parents/guardians of educationally disabled children below the age of three information regarding services available through other state, county and local agencies.

The chief school administrator shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.

The chief school administrator shall also ensure that the district plan for special education is in compliance with administrative code and the approved state plan for special education, according to N.J.A.C. 6A:14-4.1. This plan shall consist of policies, procedures, assurances, a comprehensive system of personnel development, data collection and an application that describes the use of IDEA Part B funds. The chief school administrator shall ensure that the plan is implemented in this district and shall supervise its operation so that it will accomplish its stated goals and objectives.

A written individualized education program shall be developed, implemented, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7 for each classified pupil. In accordance with New Jersey law, a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled pupil's progress and to revise the individualized education program. (POLICY 4)

The chief school administrator shall ensure that an IEP is in effect for every pupil in the district who is receiving special education and related services and that a free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.

1. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program (IEP) is in effect for the student by that date;
2. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
3. A free, appropriate public education is available to any student with a disability who is eligible for special education and related services, even though the student is advancing from grade to grade;
4. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability; and
5. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability. (POLICY 8)

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7. (POLICY 9)

The chief school administrator shall ensure that all preschool pupils with disabilities shall have their IEPs implemented no later than their third birthdays. To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be paid to articulation between those programs.

These procedures and arrangements shall be adopted by the board after review and possible revision. The procedures shall include criteria by which to identify the potentially disabled, and require the participation of staff, parents/guardians and appropriate agencies.

Full educational opportunity to all students with disabilities will be provided and to the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2. (POLICIES 10 AND 5)

Provision will be made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2. (POLICY 12)

Students with disabilities who are placed in private schools by the district board of education, will be provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3. (POLICY 13)

All personnel serving students with disabilities will be highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law. (POLICY 14)

The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services will be identified and appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel. (POLICY 15)

Instructional materials will be provided to blind or print-disabled students in a timely manner. (POLICY 16)

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services. (POLICY 17)

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP. (POLICY 19)

E. STATEWIDE ASSESSMENTS AND HIGH SCHOOL GRADUATION

A disabled pupil must meet all state and local high school graduation requirements in order to receive a state-endorsed high school diploma unless exempted in his/her IEP. When a pupil has been exempted from any graduation requirement, his/her IEP shall address alternate requirements to be met. The chief school administrator shall ensure that all pupils with disabilities are included in statewide and district wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10.

All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8, and 11 in accordance with their assigned grade. (POLICY 6)

By June 30 of a disabled pupil's last year in the elementary program, the pupil's case manager, parent/guardian and teacher(s) shall meet to review the instructional guide and basic plan of the pupil's IEP in view of the transition to the secondary program. Input from appropriate staff from the secondary school shall be part of the review.

The basic plan of the IEP for the pupil entering the secondary program will address all the elements required in the administrative code, including specifically addressing graduation requirements. Required reviews of the IEP shall continue to address graduation requirements.

A disabled pupil who has not been exempted from the proficiencies or has performed below the state minimum level of pupil proficiency on one or more areas of the state-mandated high school proficiency test may participate in the special review assessment (SRA).

Educationally disabled pupils meeting the standards for graduation according to N.J.A.C.6A:14-4.11 shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

F. COMPILATION, MAINTENANCE, ACCESS TO AND CONFIDENTIALITY OF PUPIL RECORDS

The compilation, maintenance, access to and confidentiality of student records will be in accordance with N.J.A.C. 6A:32-7. (POLICY 11)

To ensure proper accessibility and confidentiality, the records of educationally disabled pupils shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the district policy 5125 on pupil records in general.

To assure the security of special education records:

1. Provision shall be made for access and security of computer-stored records of educationally disabled pupils;
2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

As with all pupil records, access shall be guaranteed to persons authorized according to N.J.A.C. 6A:32-7.5 within 10 days of the request, but prior to any review or hearing conducted in accordance with state board of education regulations.

For the district's general policy and regulation on pupil records see 5125, which deals with all requirements common to disabled and general pupil records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc.

G. PARTICIPATION OF AND CONSULTATION WITH THE PARENTS OF EDUCATIONALLY DISABLED PUPILS TOWARD THE GOAL OF PROVIDING FULL EDUCATIONAL OPPORTUNITY TO ALL EDUCATIONALLY DISABLED PUPILS AGES THREE THROUGH 21.

In order to achieve the district's goal of providing full educational opportunity to all educationally disabled pupils in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4.A surrogate parent will be appointed for unaccompanied homeless youths as defined in 42 U.S.C §§ 11431 et seq.

All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the pupil unless it is not feasible to do so, in which case the provisions of administrative code shall be followed.

Meetings shall be conducted to determine eligibility and to develop, review and revise a pupil's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time,

location and participants. If the parents/guardians cannot attend the meetings, the chief school administrator/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation.

Parents/guardians shall receive a copy of the pupil's IEP and of any revisions made to it.

All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and pupil unless it is not feasible to do so. This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.

The IEP shall be developed and monitored with the cooperation and input of parents/guardians. In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.

1. No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the pupil is eligible, the development and implementation of the IEP. The IEP shall be implemented as soon as possible following the IEP meeting.

Written notice to parents/guardians and/or adult pupils shall be provided as follows:

1. The *case manager* shall provide written notice no later than 15 calendar days after making a determination;
2. The case manager shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians and/or adult pupil may consider the proposal.

The chief school administrator shall develop and present to the board for review and adoption procedures for:

1. Giving notice to parents/guardians and adult pupils in accordance with N.J.A.C. 6A:14-2.3 when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the pupil, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians and adult pupils of their right to review all educational records with respect to the identification, evaluation and educational placement of the pupil; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees;
2. An independent evaluation at the request of the parent/guardian or adult pupil in accordance with N.J.A.C. 6A:14-2.5(c). Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code, unless the district board of education initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;
3. Seeking consent of parents/guardians to the actions in 1, when such consent is required;
4. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;
5. Mediation when disputes arise during any stage of the special education process that cannot be settled between the original parties. A due process hearing may be initiated by the board of education, a parent/guardian or adult pupil;
6. Parental consent shall be obtained prior to implementation of the initial IEP resulting from evaluation; prior to reevaluation except in the circumstances outlined in code; and prior to the release of pupil records according to N.J.A.C. 6A:32-7.6.

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a pupil's rights when the parents/guardians cannot be identified or located or the child is a ward of the State of New Jersey. The district shall select and train such surrogate parents in compliance with the administrative code.

H. PREVENTION OF NEEDLESS PUBLIC LABELING OF EDUCATIONALLY DISABLED PUPILS

The board directs that the names and other personally identifiable data concerning educationally disabled children shall be kept confidential and shall not be included in the public acts and public records of this district. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of educationally disabled pupils on whose behalf the board of education must take public action. Motions concerning disabled pupils made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with *N.J.A.C 32-7.1 et seq.*

Further, the board, administrators, faculty and other personnel shall avoid unnecessary and needless public labeling of such pupils. This shall include the avoidance of public address announcements so designating pupils, any open identification of classrooms with signs so designating, or any item of open or general circulation, such as photographs, audio/videotapes, etc., that so designates an individual pupil or class. Pupil records shall be maintained in accordance with N.J.A.C. 32:7.4.

I. PROTECTION OF PUPILS RIGHTS IN REGARD TO EVALUATION AND REEVALUATION PROCEDURES ACCORDING TO N.J.A.C. 6A:14-3.4 AND 3.8

Procedures shall provide all due process protection for the rights of the pupil and his/her parents/guardians whether the pupil is already enrolled in the schools or has been located through the process for identification in the section B of this policy.

The chief school administrator will ensure that all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of disabled pupils, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

Educational placement decisions made for each disabled pupil shall always be, insofar as possible, in the least restrictive environment according to N.J.A.C. 6A:14-4.2, and commensurate with the pupil's educational needs. This means that to the maximum extent appropriate, educationally disabled pupils shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the pupil and to ensure the quality of services which he/she requires.

The chief school administrator shall encourage positive attitudes toward the educationally disabled in all district pupils and personnel.

Special classes, separate schooling or other removal of educationally disabled pupils from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

In order to ensure a continuum of alternative placements, when the board cannot provide required instruction and related services from its own resources and facilities, it will seek appropriate placement outside the district and will assume such costs of that placement as are required by law.

Placement of a disabled pupil in the least restrictive environment shall be determined annually. Placement shall be provided in appropriate educational settings as close to home as possible.

When the IEP does not describe specific restrictions, the pupil shall be educated in the school he/she would attend if not disabled.

J. ESTABLISHMENT AND IMPLEMENTATION OF PROCEDURAL SAFEGUARDS ACCORDING TO N.J.A.C. 6A:14-2. ET SEQ. AND N.J.A.C. 1:6A

The board of education directs the chief school administrator to establish and implement the required procedural safeguards as required by N.J.A.C. 6A:14-2.1 et seq. and as outlined in section G of this policy.

The chief school administrator shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.

These procedures shall provide all due process protection for the rights of the pupil and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf.

To implement achievement of the board's goal for provision of special education, the chief school administrator shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds.

K. COMPLYING WITH OTHER ASPECTS OF THE DISTRICT PROGRAM FOR SPECIAL EDUCATION AND/OR REQUIREMENTS OF N.J.A.C. 6A:14

Written Plan

To implement achievement of the board's goal for provision of special education, the chief school administrator shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. After the plan has been approved by the board of education and the county superintendent, the chief school administrator shall implement it in this district and supervise its operation so that it will accomplish its stated goals and objectives. The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.

Discipline

In general, educationally disabled pupils are subject to the same disciplinary constraints and sanctions as nondisabled pupils. However, before disciplinary action is taken against an educationally disabled pupil, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the pupil's needs, whether a component of the pupil's IEP covers the behavior, or whether the pupil is an immediate danger to himself/herself or others.

A disabled pupil may be removed for disciplinary reasons from his/her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to 10 consecutive or cumulative school days in a school year. Such suspensions are subject to the same district board of education procedures as nondisabled pupils. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager.

Procedures for imposing and implementing disciplinary sanctions on educationally disabled pupils, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A:14-2.8, 3.7 and Appendix A)

Early Intervention

The chief school administrator or designee shall gather and make available to parents/guardians of disabled children below the age of three information regarding ameliorative services and programs provided by other state, county and local agencies. The procedures for such dissemination shall be reviewed and adopted by the board.

Preschool Disabled Program

The chief school administrator shall develop and propose for board adoption programs and related services for pupils ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.

Placement in Nonpublic Schools

The board shall provide a genuine opportunity for the equitable participation of pupils with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations. All special education programs and services shall be provided with the consent of parents/guardians.

Pupils shall receive programs and services as specified in N.J.A.C. 6A:14-6.1.

Limited English Proficient

Pupils with limited English proficiency may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the district for every child. Evaluation procedures shall be selected so that the pupil's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the pupil's ability rather than the impairment. All actions under Parent/Guardian Notification, Consent and Participation are to be conducted in the parents/guardians' dominant language, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Cooperation with Other Agencies

The chief school administrator shall investigate the possibilities of working with organizations and agencies providing services for the disabled, and shall present feasible programs and relationships to the board for consideration.

Evaluation of Program

At least annually, the board shall review in a public meeting evidence of progress toward achievement of the special education plan as a whole, the success of identification procedures specifically, and the effectiveness of implementation of IEPs.

Eligibility for State and Federal Funds

The chief school administrator shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.

Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.

Access

In addition to educational programs, the board directs that the chief school administrator take into consideration physical access to district facilities for disabled pupils, staff and the community in determining location of programs or planning new facilities per state and federal law.

Adopted: April 12, 2004

Revised:

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:46-1 et seq. Classes and Facilities for Handicapped Children
See particularly:
N.J.S.A. 18A:46-13
N.J.S.A. 18A:46A-1 et seq. Auxiliary Services
N.J.A.C. 5:23-7 Barrier free subcode of the uniform construction code
N.J.A.C.. 6A:32-7.1 et seq. Student Records
N.J.A.C. 6A:32-12.1 Reporting requirements
N.J.A.C. 6A:32-14.1 Review of mandated programs and services
N.J.A.C. 6A:9-1.1, et seq. Professional Licensure and Standards
See particularly:
N.J.A.C.6A:9-11.3
N.J.A.C.6A:23-1.1, et seq. Business and Finance Services
See particularly:
N.J.A.C.A:23-3.4, -4.1, et seq.
N.J.A.C. 6A:26-6.1. et seq. *Planning and Construction Standards for School Facilities*
N.J.A.C. 6A:8-1.2 Scope
N.J.A.C. 6A:8-1.3 Definitions
N.J.A.C. 6A:8-3.1 Curriculum and instruction
N.J.A.C. 6A:8-4.1 et seq. Implementation of the Statewide Assessment System
N.J.A.C. 6A:8-5.1 et seq. Implementation of Graduation Requirements
N.J.A.C. 6A:14-1.1 et seq. Special Education
N.J.A.C. 6A:15-1.4 Bilingual programs for limited English proficient students
N.J. A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
P.L. 103-382 - Improving America's Schools Act of 1994
20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act,
P.L. 101-476 (formerly Education for All Handicapped Children Act--Part B)
29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973
34 CFR 76.1 et seq. - General Administrative Regulation EDGAR
34 CFR 77.1 et seq. - General Administrative Regulation EDGAR
34 CFR 300 - Assistance to States for the Education of Children with Disabilities
(IDEA Regulations)
Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402
(1985)
Honig v. Doe, 484 U.S. 305 (1988)

BUILDINGS AND GROUNDS:

OLD BUSINESS: (No action to be Taken)

➤ Legislative Update

MEETING OPEN TO THE PUBLIC: 9:03 P.M.

Frank Wilson, 171 Montross Avenue, asked the Board to consider budget reductions in custodial overtime and shift differentials, longevity payments and Child Study Team expenses.

Meeting was then closed to the public at 9:07 P.M.

ADJOURNMENT:

Motion by Mr. McLean, seconded by Mrs. Cevasco that the meeting be adjourned at 9:08 P.M.

Approved.