

Policies/Regulations 8/24/2020

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POLICY ALERT**
Policy Alert and Support System

No. 220
June 2020

P 1649	Federal Families First Coronavirus (COVID-19) Response Act (FFCRA) (M) (New)
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P 1649 – Federal Families First Coronavirus (COVID-19) Response Act (M) (New)

H.R. 6201 - Families First Coronavirus Response Act (FFCRA) was recently approved by the United States Congress and signed by the President of the United States. The FFCRA has two sections that impact private employers with fewer than five hundred employees and all public schools.

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

The EFMLEA is Division C of the FFCRA and it amends the Federal Medical and Family Leave Act to permit an employee who is unable to work or telework due to a need to care for their son or daughter under 18 years old if their school or place of care has been closed, or the child care provider of the son or daughter is unavailable due to a public health emergency, to use Federal Medical and



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Family Leave. A public health emergency is an emergency with respect to COVID-19 as declared by Federal, State, or local authority.

The first ten days of such leave may be, but not required to be, paid leave provided by the employer. Subsequent leave taken by the employee shall be paid by the employer in an amount not less than 2/3 of the employee's rate of pay or the number of hours the employee would have been scheduled to work. In no event shall such paid leave exceed \$200.00 per day or \$10,000.00 in the aggregate.

B. The Emergency Paid Sick Leave Act (EPSLA)

The EPSLA is Division E of the FFCRA and requires the employer to provide paid sick time to the extent the employee is unable to work or telework due to the employee being subject to a government ordered quarantine; advised by a health care provider to self-quarantine; experiencing symptoms of COVID-19 and is seeking a medical diagnosis; caring for an individual who has been ordered to quarantine or has been advised to quarantine; or caring for their son or daughter if the school or child care provider has been closed. The EPSLA provides up to 80 hours of paid time for a full-time employee and prorated time for part-time employees based on a two-week work period.

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

The provisions of the FFCRA as approved raise implementation questions. The United States Department of Labor (USDOL) has developed a comprehensive Families First Coronavirus (COVID-19) Response Act - Questions and Answers which can be found at <https://www.dol.gov/agencies/whd/pandemic/ffcrqa-questions>.

Strauss Esmay Associates has developed Policy Guide 1649 which addresses information included in the FFCRA. The provisions of the FFCRA are only applicable to school employees working and receiving pay from the school district, not employees that have been laid-off, furloughed, or are receiving pay and not working. The USDOL Q&A provides important information, much of which is included in this new Policy Guide 1649. Unfortunately, the availability of any Federal funding available to employers for the implementation of this law has not yet been addressed by the Federal government. Policy Guide 1649 is consistent with the sick leave provisions of the New Jersey statute, N.J.S.A. 18A:30-1, that limits an employee's use of sick time because of personal disability due to illness or injury or because he or she has been excluded from school by the school district's medical authorities on account of contagious disease or of being quarantined for such a disease in his or her immediate household.

Strauss Esmay does not anticipate employee requests for Federal Family and Medical Leave or Paid Sick Leave under the FFCRA to become an issue until schools resume normal operations. Policy Guide 1649 provides the requirements of the Federal Family and Medical Family Leave Act and the Emergency Paid Sick Leave Act under the FFCRA. These requirements may be revised or clarified in the USDOL regulations and this Policy Guide will be revised accordingly, if needed. The requirements in this Policy Guide are mandated.

Policy Guide 1649 is **MANDATED**



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P 2270 – Religion in Schools (Revised)

The United States Department of Education updated its Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools (Guidance) on January 16, 2020. The January 2020 Guidance updated the February 7, 2003 Guidance and includes two additional sections: Applying the Governing Constitutional Principles in Particular Contexts Related to Religious Expression (Religious Literature, Teaching about Religion, Student Dress Code, and Religious Excusals) and The Equal Access Act (General Provisions, Prayer Services and Worship Exercises, Means of Publicizing Meeting, and Lunch-time and Recess). In addition, the last three paragraphs of Policy Guide 2270 have been removed because these principles are included in the January 16, 2020 Guidance in greater detail. The 2020 Guidance is more comprehensive than the 2003 Guidance, but there are no material revisions in the 2020 Guidance from the 2003 Guidance. Policy Guide 2270 - Religion in Schools has been updated to align with the 2020 Guidance. The Guidance is eleven pages and is incorporated into this Policy Guide by reference. It is recommended school administrators review the 2020 Guidance, which can be downloaded from the United States Department of Education website at: www2.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html.

A school district is not required by law to adopt a Policy regarding religion in schools, but schools are required to follow the provisions in the January 2020 Guidance.

Policy Guide 2270 is **RECOMMENDED**

P 2431.3 – Heat Participation Policy for Student-Athlete Safety (M) (Revised)

P.L. 2019, Chapter 293 was recently passed and codified as N.J.S.A. 18A:11-3.10. The new statute requires school districts to adopt and implement the New Jersey State Interscholastic Athletic Association (NJSIAA) Heat Participation Policy for student-athletes. A new Policy Guide has been developed to replace the existing Policy Guide 2431.3 as the existing Policy Guide made compliance with the NJSIAA policy optional while the new statute and updated Policy Guide mandates compliance with NJSIAA's Heat Participation Policy. The NJSIAA's Heat Participation Policy requires it to be utilized in conjunction with the NJSIAA's Pre-Season Heat Acclimatization Policy. NJSIAA's Heat Participation Policy and Pre-Season Heat Acclimatization Policy are incorporated into this Policy Guide by reference as they are lengthy documents that will likely be revised on an ongoing basis by the NJSIAA. The Policy Guide requires compliance with NJSIAA's "current" Heat Participation Policy and Pre-Season Heat Acclimatization Policy so if and when NJSIAA revises these Policies, this Board Policy 2431.3 will not require revisions and re-adoption. NJSIAA's Heat Participation Policy indicates the provisions of the Policy shall be carried out by the Athletic Trainer, certified designee, or individual appointed by the administrator designated by the Superintendent to supervise athletics, which may be a coach or individual responsible for making decisions concerning the implementation of modifications or cancellations of practices and games. The new statute requires the use of a WetBulb Globe Temperature (WBGT) tool that measures heat stress on humans exposed to high temperatures. Although not required in the new statute, the updated Policy Guide requires each coach be provided a copy of Policy 2431.3 and NJSIAA's current Heat Participation Policy and Pre-Season Heat Acclimatization Policy by the Principal or designee. This updated Policy Guide is required to



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be reviewed by the school physician. The statute is mandated for all school districts with student-athletes in grades nine through twelve and provides an option for districts to expand such provisions to student-athletes in other grade levels. Compliance with this new law, Policy Guide 2431.3, and NJSIAA's Policies will require training and time. The new statute is effective for the 2020-2021 school year. This revised Policy Guide 2431.3 is now mandated for all school districts with student-athletes in grades nine through twelve and should replace a district's current Policy 2431.3.

Policy Guide 2431.3 is **MANDATED**

P 2622 – Student Assessment (M) (Revised)

Effective June 4, 2018, there was an administrative code revision impacting Policy Guide 2622. The code revision was a change to N.J.A.C. 6A:8-4.3(c)1.i. and amended the code section from "Continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade four" to "Continued administration of mathematics and English language arts in grades three, four, and five, and of science in grade five." The revision impacts the school district's requirement to administer an elementary school level Statewide assessment for science through grade five, when previously it was only required through grade four. There are some other "minor" revisions made to the Policy Guide to provide better clarity for school districts regarding the code requirements. In addition, "PARCC" has been removed from the Policy Guide in referencing the specific "end-of-course" assessments in two locations in the Policy Guide. Policy Guide 2622 is mandated.

Policy Guide 2622 is **MANDATED**

P 5111 – Eligibility of Resident/Nonresident Students (M) (Revised)

R 5111 – Eligibility of Resident/Nonresident Students (M) (Revised)

P.L. 2019, Chapter 310, codified at N.J.S.A. 18A:38-1.3, revised the existing statute which now indicates a school district may not condition student enrollment on the fact the New Jersey Motor Vehicle Commission (NJMVC) does not have the name or address of the parent on file. Strauss Esmay has revised Policy and Regulation Guides 5111 to incorporate this new statute. The revision is included in Policy Guide 5111, where N.J.S.A. 18A:38-1.3 was already addressed and in Regulation Guide 5111, Section F.6. School districts should be aware if there is a dispute between the district and the parents in regard to a student's eligibility for enrollment the district may still request information from the NJMVC to verify eligibility. However, if the NJMVC does not have any information on the parent, the lack of information cannot be used to determine if a student is ineligible for enrollment.

Policy Guide 5111 is **MANDATED**

Regulation Guide 5111 is **MANDATED**



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P 5200 – Attendance (M) (Revised)

R 5200 – Attendance (M) (Revised)

Policy and Regulation Guides 5200 address the statutory and administrative code requirements of student attendance. These Guides have been revised to provide some clarity on an issue that, on occasion, causes some confusion.

In summary, there are two sets of rules for student attendance:

1. The first set of rules address how student attendance must be recorded in the school register that is used for State and Federal reporting purposes. For the purpose of the school register, a student is recorded as either present or absent, or excused for only a few very limited reasons, which are explained in the school register. Religious holidays, rules issued by the New Jersey Commissioner of Education, and college visits are a few examples of excused absences for school register purposes. Other than those enumerated absences, there is no distinction between excused and unexcused absences in the school register for State and Federal reporting purposes.
2. The second set of rules are outlined in N.J.A.C. 6A:16-7.6 – Attendance. N.J.A.C. 6A:16-7.6 permits a local school district to define excused and unexcused absences for purposes of truancy, student conduct, promotion, retention, and award of course credit. School districts can take any and all action authorized by their policies and procedures when categorizing these absences. School districts excuse many more absences under N.J.A.C. 6A:16-7.6 (See Regulation 5200 – Section C.3.) than the school register permits because N.J.A.C. 6A:16-7.6(a)4 requires “school staff responses” for four cumulative unexcused absences; for between five and nine cumulative unexcused absences; and for cumulative unexcused absences of ten or more. Implementing these “school staff responses” outlined in N.J.A.C. 6A:16-7.6(a)4 would be very consuming of administrative time if “school staff responses” were tied to the requirements for the school register regarding State and Federal reporting purposes.

Policy and Regulation Guides 5200 have been revised to provide a more detailed explanation of the distinction between attendance recording in the school register and attendance recording pursuant to N.J.A.C. 6A:16-7.6. Section B. of the Regulation Guide has been revised to include the provisions of N.J.A.C. 6A:32-8.1 – School Register – (b) through (f). These new provisions in the Regulation Guide will avoid the need to revise this Guide every time rules for the school register change. In addition, the Policy Guide has been revised to include the provisions of N.J.S.A. 18A:36-25.6 that require a parent or adult student to notify the school office prior to the student’s absence and if the student is determined to be absent from school without valid excuse, and if the reason for the student’s absence is unknown to the school, the Principal or designee shall immediately attempt to contact the student’s parent to notify the parent of the absence and determine the reason for the absence. Consistent with N.J.A.C. 18A:36-25.6, Regulation Guide 5200 has been revised indicating the parent *shall* be required to notify the school when the student will not be at school. This requirement will limit the need for the Principal or designee to follow-up with parents who have not notified the school of the child’s absence.

Policy Guide 5200 is **MANDATED**

Regulation Guide 5200 is **MANDATED**



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P 5320 – Immunization (Revised)

R 5320 – Immunization (Revised)

Policy and Regulation Guides 5320 have been revised to provide additional guidance and to more closely align with the structure of the controlling administrative code sections of N.J.A.C. 8:57-4. The revisions in the Policy Guide are minor while most of the revisions are in the Regulation Guide. Although an immunization Policy and Regulation is not mandated by statute or administrative code, adopting Policy and Regulation Guides 5200 is highly recommended to provide guidance to school staff members and parents of school-aged children.

Policy Guide 5320 is **RECOMMENDED**
Regulation Guide 5320 is **RECOMMENDED**

P 5330.04 – Administering an Opioid Antidote (M) (Revised)

R 5330.04 – Administering an Opioid Antidote (M) (Revised)

N.J.S.A. 18A:40-12.23 through 12.28 requires schools with grades nine through twelve to obtain an opioid antidote under a standing order. The statutes require an opioid antidote to be accessible in the school building during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time. However, the Board may, in its discretion, make an opioid antidote accessible during school-sponsored functions that take place off school grounds and to any grades outside nine through twelve.

The new statutes were effective December 1, 2018 and at the time Strauss Esmay developed Policy and Regulation Guides 5330.04 that aligned with the language in the statutes. Subsequently, the NJDOE published *Guidelines for Opioid Antidote Administration within Schools* (Guidance) that included some recommended options and details that are not included in the statutes. Policy and Regulation Guides 5330.04 have been revised to provide the options and additional details as provided in the Guidance. The revised Policy and Regulation Guides provide greater detail regarding the physician's standing orders, the training requirements for those employees designated to administer the opioid antidote, the replacement of the opioid antidote upon expiration, the administration of the antidote, and the limitation of liability attached with administering the antidote. The revised Policy and Regulation Guides should replace a district's existing Policy and Regulation 5330.04.

Policy and Regulation Guides 5330.04 are mandated and both must be adopted by the Board.

Policy Guide 5330.04 is **MANDATED**
Regulation Guide 5330.04 is **MANDATED**



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P 5610 – Suspension (M) (Revised)

R 5610 – Suspension Procedures (M) (Revised)

P.L. 2019, Chapter 479 was recently signed into law and codified as N.J.S.A. 18A:37-2c. The new statute requires the Principal to convene a meeting between a student and appropriate school personnel after a student has experienced multiple suspensions or may be subject to a proposed expulsion from public school to identify any of the student's behavior or health difficulties, as soon as practicable. The new statute also allows the Principal to hold this meeting if it is the first time a student is suspended, if the Principal deems such a meeting appropriate. The purpose of the meeting is to ascertain whether the student needs supportive interventions or referrals utilizing school or community resources to address identified behaviors or health difficulties. Policy and Regulation Guides 5610 have been revised to reflect the requirements mandated by this new statute.

When immediate removal of a student is due to a violation of the "Zero Tolerance for Guns Act", an assault upon a school employee or Board member with and without a weapon, the meeting required by the new law shall take place after the student is removed from the school's regular education program.

Policy and Regulation Guides 5610 are mandated and both must be adopted by the Board.

Policy Guide 5610 is **MANDATED**
Regulation Guide 5610 is **MANDATED**

P 5620 - Expulsion (M) (Revised)

P.L. 2019, Chapter 479 was recently signed into law and codified at N.J.S.A. 18A:37-2c. The new statute requires the Principal to convene a meeting between a student and appropriate school personnel after a student has experienced multiple suspensions or may be subject to a proposed expulsion from public school to identify any of the student's behavior or health difficulties, as soon as practicable. The new statute also allows the Principal to hold this meeting if it is the first time a student is suspended, if the Principal deems such a meeting appropriate. The purpose of the meeting is to ascertain whether the student needs supportive interventions or referrals utilizing school or community resources to address identified behaviors or health difficulties.

When immediate removal of a student is due to a violation of the "Zero Tolerance for Guns Act", an assault upon a school employee or Board member with or without a weapon, the meeting required by the new law shall take place after the student is removed from the school's regular education program.

Policy Guide 5620 has been revised to reflect the requirements mandated by the new law if the student may be subject to expulsion. Policy Guide 5620 is mandated.

Policy Guide 5620 is **MANDATED**



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P 8320 – Personnel Records (M) (Revised)

R 8320 – Personnel Records (M) (Revised)

Policy and Regulation Guides 8320 have been revised to provide additional guidance regarding public access to personnel file information. N.J.A.C. 6A:32-4.3 requires a Board of Education to make certain employee records and information available for public access pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA), but in accordance with N.J.S.A. 18A:6-120.(d) and 121.(d). A new section G. has been added to the Regulation Guide that outlines the records that are available for public access. Policy and Regulation Guides 8320 are now mandated as the information regarding public access to personnel files is a legal requirement.

Policy and Regulation Guides 5610 are mandated and both must be adopted by the Board.

Policy Guide 8320 is **MANDATED**

Regulation Guide 8320 is **MANDATED**

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(COVID-19) Response Act

June 20

M

[See POLICY ALERT No. 220]

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

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

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

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

1. Definitions - For the purposes of the EFMLEA:

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



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

2. Relationship to Paid EFMLEA Leave

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

a. Leave for Initial Ten Days

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



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

b. Paid Leave for Subsequent Days

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



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

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

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

c. Employee Notice to Employer

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

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



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

d. Restoration to Position

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



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

(2) Contact Period

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

B. Emergency Paid Sick Leave Act (EPSLA)

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



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1. Definitions

a. For purposes of the EPSLA and this Policy:

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

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

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

i. In the case of a private entity or individual, employs fewer than five hundred employees; and

ii. In the case of a public agency or any other entity that is not a private entity or individual, employs one or more employees.

(b) “Covered employer” also includes:

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



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



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

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



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

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

2. Paid Sick Leave Requirement

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



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- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

3. Duration of Paid Sick Time

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

4. Employer's Termination of Paid Sick Time

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



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5. Prohibition

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

6. Use of Paid Sick Time

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

7. Notice

- a. Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in the EPSLA.
- b. Not later than seven days after the date of enactment of this Act, the Secretary of Labor shall make publicly available a model of a notice that meets the requirements of B.7.a. above.



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8. Prohibited Acts

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

9. Enforcement

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



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10. Rules of Construction

a. Nothing in the EPSLA shall be construed:

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

11. Guidelines

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

12. Reasonable Notice

- a. After the first workday (or portion thereof) an employee receives paid sick time under the EPSLA, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.
- b. The request for such leave shall be submitted to the superintendent, who may request documentation from the employee in support of the emergency paid sick leave.



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

13. Regulatory Authorities

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

H.R. 6201: Families First Coronavirus (COVID-19) Response Act
N.J.S.A. 18A:30-1

Adopted:



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Religion in the Schools
June 20

[See POLICY ALERT Nos. 164 and 220]

2270 RELIGION IN THE SCHOOLS

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

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

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

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



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Religion in the Schools

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

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

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

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



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Religion in the Schools

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

U.S. Const. Amend. 1

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

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

January 16, 2020

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

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

Adopted:



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

Heat Participation Policy for Student-Athlete Safety

June 20

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

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

HEAT PARTICIPATION POLICY FOR STUDENT-ATHLETE SAFETY

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

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

The NJSIAA Policy shall address:

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

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



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

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

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

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

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

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



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

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

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

Adopted:



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

2622 STUDENT ASSESSMENT

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

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

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

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



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Student Assessment

Statewide Assessment System

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

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

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

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

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

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



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

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

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

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

Test Administration Procedures and Security Measures

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

Documentation of Student Achievement

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



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Student Assessment

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

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

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

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

Accountability

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



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Student Assessment

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

Annual Review and Evaluation of School Districts

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

Public Reporting

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

Parental Notification

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

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

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

Adopted:



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Eligibility of Resident/Nonresident Students

June 20

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

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

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

Eligibility to Attend School

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

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

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



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Eligibility of Resident/Nonresident Students

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

A student is eligible to attend school in this school district free of charge pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency. Eligibility under this provision shall cease at the end of the current school year during which the parent or guardian returns from active military duty.

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

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

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



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Eligibility of Resident/Nonresident Students

3. If the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district, pursuant to N.J.S.A. 18A:38-3.b. The school district shall not be obligated for transportation costs; and
4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.

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

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

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



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Eligibility of Resident/Nonresident Students

Proof of Eligibility

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

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

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

Registration Forms and Procedures for Initial Assessment

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



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Eligibility of Resident/Nonresident Students

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

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

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

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



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Eligibility of Resident/Nonresident Students

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

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

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

Notice of Ineligibility

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

Removal of Currently Enrolled Students

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



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Eligibility of Resident/Nonresident Students

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

Appeal to the Commissioner

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

Assessment and Calculation of Tuition

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



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Eligibility of Resident/Nonresident Students

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

Nonresident Students

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

Students whose parents have moved away from the school district may not be permitted to continue their education in the Rutherford School District, unless:

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

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.



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Eligibility of Resident/Nonresident Students

2. 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) 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) 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. and 2. above have not been met, it may order the transfer or removal of the student from school.
2. The parent(s) or resident may, pursuant to law, contest the Board's decision to remove or transfer the student before the Commissioner of Education within twenty-one days of the decision date.
3. At the time of its decision, the Board shall notify the parent(s) or resident in writing of its decision and his/her their right to contest the decision within twenty-one days. No student shall be removed from school during that twenty-one 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), 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. and 2.

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 School District. 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.



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Eligibility of Resident/Nonresident Students

Exchange Students

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

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

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

8 CFR 214.3

Adopted:



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Eligibility of Resident/Nonresident Students

June 20

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

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

A. Definitions

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

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

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



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Eligibility of Resident/Nonresident Students

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



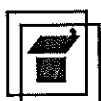
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Eligibility of Resident/Nonresident Students

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



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Eligibility of Resident/Nonresident Students

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



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Eligibility of Resident/Nonresident Students

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

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

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



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Eligibility of Resident/Nonresident Students

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



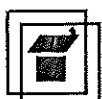
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Eligibility of Resident/Nonresident Students

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



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Eligibility of Resident/Nonresident Students

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

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



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Eligibility of Resident/Nonresident Students

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



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

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



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



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

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



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

D. Housing and Immigration Status

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



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



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



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

G. Registration Forms and Procedures for Initial Assessment

1. The Board of Education shall use Commissioner-provided registration forms, or locally developed forms that:
 - a. Are consistent with the forms provided by the Commissioner;
 - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
 - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;
 - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
 - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.



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



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



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

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

H. Notice of Ineligibility

1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4 et seq.



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



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



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I. Removal of Currently Enrolled Students

1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal.
 - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal.
3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," has been informed of his or her entitlement to a hearing before the Board of Education.
4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an "affidavit student," does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board of Education or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.



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J. Appeal to the Commissioner

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

K. Assessment and Calculation of Tuition

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



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



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consider whether the ineligible attendance was due to the school district's error.

Adopted:



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

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

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

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

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

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



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from a course that would count toward the high school diploma in accordance with policies of this Board.

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

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

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

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

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

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

Adopted:



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M

A. Definitions

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

B. Attendance Recording

1. ~~A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.~~
-
2. ~~No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.~~
-
3. ~~A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.~~
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4. ~~A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.~~
5. ~~The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.~~
6. ~~The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with N.J.A.C. 6A:32-8.3. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.~~
7. ~~A student not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.~~

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

- a. **The Board of Education shall be required to carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic form of the school's choosing.**
- b. **The Commissioner shall issue and publish on the Department's website school register guidance for recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.**
- c. **Student attendance shall be recorded in the school register during school hours on each day school is in session.**
- d. **School registers shall be kept for students attending preschool, Kindergarten, grades one through five, grades six through eight, grades nine through twelve, each preschool class for the disabled, each class for the disabled, shared-time classes for regular students, shared-time classes for students with**

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disabilities, full-time bilingual education programs and vocational day programs, and summer schools operated by the Board of Education.

- e. A student who has been placed on home instruction shall have his or her attendance status recorded on the regular register for the program in which the student is enrolled. For the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, the student shall be marked absent. No absences shall be recorded for the student while on home instruction, providing the hours of instruction are not less than required by N.J.A.C. 6A:14-4.8 and 4.9. The number of possible days of enrollment for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

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

- a1. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.
- b2. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.
- c3. A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.
- d4. A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.

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- e5. The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.
- f6. The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with N.J.A.C. 6A:32-8.3. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.
- g7. A student not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

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

- 1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, "excused" and "unexcused" student absences for the purpose of expectations and consequences regarding truancy, student conduct, promotion, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.
- 2. N.J.A.C. 6A:16-7.6(a)3 requires the Board of Education policies and procedures contain, at a minimum, a definition of unexcused absence that count toward truancy. "An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined below.

1. ~~"An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined below.~~

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2.3. “An excused absence” is a student’s absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, or any absence for the reasons listed below:

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

3.4. **For cumulative unexcused absences of ten or more, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25**
~~“Truancy” means ten or more cumulative unexcused absences that count toward truancy of a student between the ages of six and sixteen as~~
determined by the Board’s Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant

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to N.J.A.C. 6A:32-8.3. Any absence not listed in C.3. above shall be an unexcused absence counted toward truancy.

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

D. Notice to School of a Student’s Absence

1. The parent or adult student ~~is requested to~~ **shall notify** ~~call~~ the school office before the start of the student’s school day **when the student will not be in school.**
2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session **shall** ~~should call or~~ provide notice to the school office before the start of the afternoon session.
3. **The parent of a student or an adult student shall notify the school office of a future absence if the absence is foreseeable.**
3. 4. The parent or adult student who anticipates a future absence or anticipates that an absence will be prolonged **shall** ~~should~~ notify the school office to arrange make-up work.
5. **In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student’s absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student’s parent to notify the parent of the absence and determine the reason for the absence.**

E. School District Response To Unexcused Absences During the School Year That Count Toward Truancy

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:
 - a. Make a reasonable attempt to notify the student’s parent of each unexcused absence prior to the start of the following school day;
 - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student’s parent;

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- c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potentially missing or abused child situation is detected; and
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
- 2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:
 - a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;
 - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;
 - c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and H.1.c. above;
 - d. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:
 - (1) Refer or consult with the building's Response to Intervention Team, pursuant to N.J.A.C. 6A:16-8;
 - (2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;
 - (3) Consider an alternate educational placement;
 - (4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
 - (5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;

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- (6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potential missing or abused child situation is detected; and
 - (7) Engage the student's family.
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
- 3. For ten or more cumulative unexcused absences that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:
 - a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;
 - b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
 - c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
 - d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.
- 4. A court referral may be made as follows:
 - a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court.
 - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or
 - b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part.
 - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.

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5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's IEP, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized health care plan and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii.
6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and H.1. above for each student with up to four cumulative unexcused absences that count toward truancy.
 - a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.
 - (1) The sending school district shall proceed in accordance with the Board of Education's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and H.5. above and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and H.2. through H.5. above, as appropriate.

F. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.
2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
 - a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.
 - b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.

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- c. If the student is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.
- d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.
- e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.
- f. The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710, Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

G. Attendance Records

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

H. Student Attendance - Middle School/High School

Absence from school restricts and inhibits the ability of the student to successfully complete the prescribed curriculum requirements. It also violates New Jersey State Law (N.J.S.A. 18A:38-25-6) requiring students to regularly attend school.

Every parent, guardian or other persons having custody and control of a child between the ages of six and sixteen years shall cause such child regularly to attend the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive instruction elsewhere than at school.

In keeping with the prevailing laws of the State, the Rutherford Board of Education recognizes and accepts its responsibility to provide a thorough and efficient education for all students within the district. Since diplomas awarded by the Rutherford Board of Education are based upon verification of student growth and development by course and

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by competency, it is the paramount obligation of parents and students to accept student responsibility to attend school as scheduled.

The Rutherford Board of Education will neither condone nor permit student absences from school for any reason not specified in the law, nor will the Board issue credit if maximum attendance for each student is not achieved.

Only those students who have successfully completed the requirements for graduation as approved by the Rutherford Board of Education and have met the attendance requirements shall be eligible for the Diploma and be permitted to participate in the graduation ceremony.

1. Absenteeism

Statistical evidence indicates that normal absenteeism for legitimate illness ranges between five and eight percent of the student body on a daily basis. The school curriculum is designed to adequately compensate for this level of absenteeism by providing all students the opportunity to make up the missed instruction.

All students and parents will be notified upon the student's entrance to the Rutherford School District of the attendance policy and will be urged to guardedly conserve the allowable number of absences for such unforeseen necessities as accidents or sudden illnesses. Special provisions are made for certified hospital stays and other illnesses requiring long recuperations. Written medical verification will be required and must be submitted immediately upon the student's return to school. Homebound instruction is also available and periods of time under homebound instruction are not considered absences for the purposes of this policy.

a. Loss of Course Credit Due to Excessive Absenteeism

Students missing over eighteen school days will not qualify for receipt of assigned credit.

It is the intention of this policy that eighteen absences per year will provide for normal illnesses. Those students who use their quota for other reasons will not be able to claim relief on the basis that they did not expect to become ill after using the absences for other purposes.

b. Absence Verification

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School attendance is a basic responsibility of students and their parents. Students who shirk responsibility for learning by absenting themselves from school/class are clearly impeding and complicating the learning process.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school of the reason for the absence. The Superintendent shall develop procedures for the attendance of students which:

- (1) Ensure a school session which is in conformity with requirements of the rules of the State Board of Education;
- (2) Identify potentially missing and/or abused students;
- (3) Govern the keeping of attendance records in accordance with rules of the State Board of Education at N.J.A.C. 6A:6-1.1 et seq. including students serving in- or out-of-school suspensions, or excluded for health and cleanliness reasons.

When students are absent for any time whatever, they must, upon return to school, present a written explanation signed by one parent to the Attendance Office or homeroom teacher. At times some illnesses are treated by a doctor and it may become necessary to substantiate these absences during an appeals hearing if it is invoked against a student. Therefore medical excuses must be submitted immediately upon return to school, where they will become a part of the student's permanent attendance record. The school will not honor retroactive medical excuses from doctors. According to the Age of Majority Law effective January 1, 1973, students eighteen years of age or older may sign their own absence excuses. This excuse should state the reason for and date(s) of absence. If there is any question regarding the written explanation, the teacher may refer the matter to the Assistant Principal.

c. Incomplete School Day

- (1) Students must arrive no later than 9:30 a.m. and leave no earlier than 1:30 p.m. to be counted present for a full day of school and three academic periods to be counted present for a half day of school.

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- (2) Students with an abbreviated schedule (fifth year students) must be present for seventy-seven percent of their schedule to be counted present for a full day of school and for thirty-three percent of their schedule to be counted present for a half day of school.
- (3) Students leaving school prior to completion of their regularly scheduled day, except as provided under Section 2. below, will have their excuses reviewed by the administration.

d. Potentially Missing Children

- (1) If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact them.
- (2) If no telephone contact can be made, the attendance officer shall investigate.
- (3) If the attendance officer cannot locate the child, he/she shall inform the Principal, who shall inform the appropriate local authorities.
- (4) If a child who was present in the morning is absent after lunch, the same procedure shall be followed.

e. Marking Missing Child's School Record

Whenever the Superintendent receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is that of a missing child. If a copy of a marked school record is requested, the Superintendent shall supply the record to the requester without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing student records (see Policy 8330 Student Records). After the Superintendent has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

f. Removal from School Roll

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- (1) Students missing four consecutive school days, who do not appear on home instruction, are not medically certified as incapacitated, and/or whose parents or guardians have not been accessible to contact from the school will be issued written notification to report back to school within five school days. Failure to do so could result in the removal of erring students from school rolls.
 - (a) Parents of students under the compulsory age shall be served a formal written notice to cause their children to attend school. Failure to comply with the provisions of the law may cause a parent to be deemed a disorderly person and be subjected to a fine. (N.J.S.A. 18:38-31)
 - (b) Students above the compulsory age, having been dropped from the rolls for not complying with the notice to return to school, may present a written petition to the Attendance Committee for re-admittance. Each case will be reviewed separately and each decision will be based upon the merits of the petition.
- (2) Students over sixteen years of age who miss more than thirty days of school, even though these days are non-consecutive, will be notified and dropped from the rolls. Notification will take the form of a personal conference with the parents(s), student, and Assistant Principal. Parents of those students under sixteen years of age shall be notified by the Attendance Office that credit for the course has been denied and the course must be audited for the remainder of the school year. Due process will be exercised to the fullest.

g. Unexcused Absences

Students who absent themselves from school without the knowledge of parents or guardians will be considered "truant" and may be suspended from school until a conference is held with the student, a parent, and the Assistant Principal.

The Board will report to appropriate authorities infractions of the law regarding the attendance of students below the age of sixteen. Repeated infractions by enrolled students over the age of sixteen may result in the suspension or expulsion of the student.

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

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- (1) Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- (2) Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence.
- (3) Develop an action plan to assist the student to return to school and maintain regular attendance.

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

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

h. Persistent Absences

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

- (1) Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- (2) Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence;
- (3) Conduct a follow-up investigation by contacting the student's parents/guardians in writing to determine the cause of each unexcused absence;
- (4) The Principal or his or her designee shall schedule a meeting with the parent/guardian and the student.

The purpose of this meeting shall be to evaluate the appropriateness of the action plan to assist the student to return to school and

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

- (a) Referral or consultation with the building's Response to Intervention (RTI) team;
- (b) Testing, assessments or evaluations of the student's academic, behavioral and health needs;
- (c) The consideration of an alternate educational placement;
- (d) Referral to a community-based social and health provider agency or other community resource;
- (e) Referral to the court program designated by the New Jersey Administrative Office of the Courts;
- (f) The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate.

i. Religious Observance

In accordance with statute, no student absent for religious observances of a day recognized by the Commissioner of Education or this Board of Education shall be charged with an absence, deprived of an award or eligibility/opportunity to compete for an award, or of the right to take an alternate to a test or examination missed through such absence.

2. Late Arrival and Early Dismissal

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

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

- a. Illnesses which manifested themselves after the student reported to school;
 - b. Medical or dental appointments which cannot be scheduled outside of school hours;
 - c. Driver's tests with verification of appointments;
 - d. Emergencies sanctioned at the Principal's discretion;
 - e. Interview for college entrance or employment.
3. Home Instruction

Home instruction may be initiated upon request by parents if the student is absent for ten consecutive days. A statement by a medical examiner giving a prognosis for the length of time a student will be absent and the nature of the illness must be filed in the Superintendent's office before home instruction may commence. Students on home instruction are considered present for attendance purposes.

4. Make-up Work

Although students are provided an opportunity to complete assignments missed due to absences, it would be unwise to suppose that they could compensate for the group interaction they missed in the learning activity of a total class meeting.

- (a) The rule of thumb for time allowed to make up work missed due to absence is equal to the total absences, except that the make-up period is not to exceed five days without the permission of the Principal or his/her delegate. Students have a responsibility to make up work missed.
- (b) Students choosing to be absent from classes without excuse (cut) or otherwise found to be truant may not make up work missed during these infractions and may be subject to suspension.
- (c) Students may complete assignments for time missed from school due to actions initiated by the authorities of the school (suspension, exclusion, etc.)

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5. Course Credit

Students who have accrued more than eighteen absences but less than thirty absences are considered to be in a Non-Credit Status. The school maintains a consistent obligation requiring all students to be present in school in order that they may be taught. The Non-Credit Status is a condition predicated upon attendance and performance. Students in this category may participate in all school related activities.

(a) Requirements for Completion of Courses

Students in Non-Credit Status who remain in class throughout the regular school year may complete a course's requirements in a summer school if they do not exceed the maximum number of allowable absences thirty, and if said course is offered. (Summer school class sessions total sixty hours of instruction, thereby properly permitting the make-up of the lost time.)

(b) Withdrawal from Course

Students in a Non-Credit Status who subsequently withdraw from school will have a Withdrawal Passing (WP) or Withdrawal Failure (WF) on their permanent records. Subjects from which students have withdrawn cannot be made up in a remedial summer school program.

6. Attendance Policy for Shared Time School

Due to unique circumstances which are relative to students who attend the shared-time vocational school known as Shared Time School, a special attendance policy will apply to the time spent at Shared Time School.

Any student who attends the Shared Time School in the a.m. or p.m. session and who accrues more than eighteen absences from the said program will be withdrawn from that program and thereby receive no credit or Shared Time School. When a student accrues the nineteen absences and is withdrawn from the program, said student will be permitted to attend his or her remaining classes at Rutherford High School. Said student may not return to the vocational school during that school year.

Those students who are dropped from Shared Time School prior to the completion of the first semester at Rutherford High School, may have their second semester

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schedules adjusted in order to begin second semester courses at Rutherford High School thereby ensuring a full day of classes.

Those students who are dropped from Shared Time School after the beginning of the second semester at Rutherford High School will attend Rutherford High School on a part-time basis and will not be able to avail themselves of courses or credits for the other half of the school day.

7. Appeals

The Board is cognizant of possible unforeseen factors which may create hardships relating to the operation of the attendance policy.

- (a) Appeals may be made for relief from any measure related to this policy.
- (b) Petition for a hearing must be presented to the Principal by a parent or guardian within five days of the receipt of any notice regarding student attendance and/or any action being taken thereon.
- (c) Petition will be heard by the Attendance Committee, which may excuse one or more absences for reasons of illness, hardship, or other extenuating circumstances. Academic standing, general behavior, and course standings will be weighted by the committee.
- (d) All Attendance Committee decisions will be based on a simple majority vote.
 - (1) The committee will be appointed by the Superintendent of Schools.
 - (2) The committee shall consist of the school Principal, Assistant Principal, one department chairperson, one guidance counselor, and one teacher.
- (e) Decisions of the Attendance Committee may be appealed to the Superintendent of Schools. Such appeals must be made in writing within seven days of receipt of the decision of the Attendance Committee.
- (f) Decisions of the Superintendent may be appealed to the Board of Education. Such appeals must be made in writing within ten days of receipt of the decision of the Superintendent.
- g. Decisions of the Board of Education may be appealed to the Commissioner of Education.

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8. Record Keeping

a. Reporting student absences is a primary responsibility of the school and shall be accomplished in the following manner:

- (1) Absences from school will be recorded in an appropriate manner in the student information system. Attendance recorded on report cards is an unofficial record of student absences.
- (2) The Attendance Office will mail a letter of notification to parents or guardians alerting them of the danger of the student's noncompliance with the attendance requirements. Letters will be mailed on the tenth and fifteenth absence. These letters are in addition to normal office procedures of random telephone calls checking on absences, reporting absences on report cards, and the use of progress reports.
- (3) Notification will be mailed to parents or guardians informing them of a student's Non-Credit Status. Copies will be forwarded to the student's guidance counselor and subject teachers.
- (4) Homeroom teachers will record the daily class attendance for each session as directed by the Attendance Office.
- (5) Every teacher will record the daily class attendance for each student in his or her grade book.

b. Other Procedures

- (1) Transfers from Union Middle School or Rutherford High School to other districts during the school year will include notification of grades earned, promotion status, and an explanation of the policy regarding absences and grades.
- (2) Students who enter Union Middle School or Rutherford High School after the opening of school shall have the number of absences prorated.

I. Student Attendance – Elementary School

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Absence from school restricts and inhibits the ability of the student to successfully complete the prescribed curriculum requirements. It also violates New Jersey State Law (N.J.S.A. 18A:38-25-26) requiring students to regularly attend school.

Every parent, guardian or other persons having custody and control of a child between the ages of six and sixteen years shall cause such child regularly to attend the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive instruction elsewhere than at school.

In keeping with the prevailing laws of the State, the Rutherford Board of Education recognizes and accepts its responsibility to provide a thorough and efficient education for all students within the district. Since diplomas awarded by the Rutherford Board of Education are based upon verification of student growth and development by course and by competency, it is the paramount obligation of parents and students to accept student responsibility to attend school as scheduled.

The Rutherford Board of Education will neither condone nor permit student absences from school for any reason not specified in the law, nor will the Board issue credit if maximum attendance for each student is not achieved.

Only those students who have successfully completed the requirements for graduation as approved by the Rutherford Board of Education and have met the attendance requirements shall be eligible for the diploma and be permitted to participate in the graduation ceremony.

1. Absenteeism

Statistical evidence indicates that normal absenteeism for legitimate illness ranges between five and eight percent of the student body on a daily basis. The school curriculum is designed to adequately compensate for this level of absenteeism by providing all students the opportunity to make up the missed instruction.

All students and parents will be notified upon the student's entrance to the Rutherford School District of the attendance policy and will be urged to guardedly conserve the allowable number of absences for such unforeseen necessities as accidents or sudden illnesses. Special provisions are made for certified hospital stays and other illnesses requiring long recuperations. Written medical verification will be required and must be submitted immediately upon the student's return to school. Homebound instruction is also available and periods of time under homebound instruction are not considered absences for the purposes of this policy.

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a. Loss of Course Credit Due to Excessive Absenteeism

Students missing over eighteen school days will not qualify for promotion.

It is the intention of this policy that eighteen absences per year will provide for normal illnesses. Those students who use their quota for other reasons will not be able to claim relief on the basis that they did not expect to become ill after using the absences for other purposes.

b. Absence Verification

School attendance is a basic responsibility of students and their parents. Students who shirk responsibility for learning by absenting themselves from school/class are clearly impeding and complicating the learning process.

Parents/guardians are responsible for notifying the school early in the day when a child will be absent and for informing the school of the reason for the absence. The Superintendent shall develop procedures for the attendance of students which:

- (1) Ensure a school session which is in conformity with requirements of the rules of the State Board of Education;
- (2) Identify potentially missing and/or abused students;
- (3) Govern the keeping of attendance records in accordance with rules of the State Board of Education at N.J.A.C. 6A:6-1.1 et seq. including students serving in- or out-of-school suspensions, or excluded for health and cleanliness reasons.

When students are absent for any time whatever, they must, upon return to school, present a written explanation signed by one parent to the homeroom teacher. If the student has been treated by a physician, the parent may submit a note from the physician to support the student's absence. Students may be sent home for written verification if they fail to present a note from their parent.

c. Incomplete School Day

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- (1) Students must complete one hour per session to be counted present for that session.
- (2) Students leaving school prior to completion of their regularly scheduled day, except as provided under Section B. below, will have their excuses reviewed by the administration.

d. Potentially Missing Children

- (1) If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact them.
- (2) If no telephone contact can be made, the attendance officer shall investigate.
- (3) If the attendance officer cannot locate the child, he/she shall inform the Principal, who shall inform the appropriate local authorities.
- (4) If a child who was present in the morning is absent after lunch, the same procedure shall be followed.

e. Marking Missing Child's School Record

Whenever the Superintendent receives notice from the Missing Persons Unit that a child has been reported missing, he/she shall mark the child's records in such a way that whenever a copy of or information regarding the record is requested, district personnel will be aware that the record is that of a missing child. If a copy of a marked school record is requested, the Superintendent shall supply the record to the requestor without alerting him/her to the fact that the record has been marked, according to provisions in code and statute on accessing student records (see Policy 8330 Student Records). After the Superintendent has complied with the request for copies of records or information, he/she shall immediately report the inquiry or any knowledge as to the whereabouts of the missing child to the Missing Persons Unit.

f. Removal from School Roll

- (1) Students missing four consecutive school days, who do not appear on home instruction, are not medically certified as incapacitated, and/or whose parents or guardians have not been accessible to contact from the school

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will be issued written notification to report back to school within five school days. Failure to do so could result in the removal of erring students from school rolls.

- (a) Parents of students under the compulsory age shall be served a formal written notice to cause their children to attend school. Failure to comply with the provisions of the law may cause a parent to be deemed a disorderly person and be subjected to a fine. (N.J.S.A. 18:38-31)
 - (b) Students above the compulsory age, having been dropped from the rolls for not complying with the notice to return to school, may present a written petition to the Attendance Committee for re-admittance. Each case will be reviewed separately and each decision will be based upon the merits of the petition.
- (2) Students over sixteen years of age who miss more than thirty days of school, even though these days are non-consecutive, will be notified and dropped from the rolls. Notification will take the form of a personal conference with the parents(s), student, and Assistant Principal. Parents of those students under sixteen years of age shall be notified by the Attendance Office that credit for the course has been denied and the course must be audited for the remainder of the school year. Due process will be exercised to the fullest.

g. Unexcused Absences

Students who absent themselves from school without the knowledge of parents or guardians will be considered "truant" and may be suspended from school until a conference is held with the student, a parent, and the Assistant Principal.

The Board will report to appropriate authorities infractions of the law regarding the attendance of students below the age of sixteen. Repeated infractions by enrolled students over the age of sixteen may result in the suspension or expulsion of the student.

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

- (1) Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;

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- (2) Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence;
- (3) Develop an action plan to assist the student to return to school and maintain regular attendance.

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

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

h. Persistent Absences

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

- (1) Make a reasonable attempt to notify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- (2) Attempt to contact the parents/guardians by telephone, email and/or cellular phone to determine the cause of the unexcused absence;
- (3) Conduct a follow-up investigation by contacting the student's parents/guardians in writing to determine the cause of each unexcused absence;
- (4) The Principal or his or her designee shall schedule a meeting with the parent/guardian and the student.

The purpose of this meeting shall be to evaluate the appropriateness of the action plan to assist the student to return to school and maintain regular attendance. The plan shall be reviewed and revised in coordination with the parent/guardian and may include the participation of the classroom teacher, school nurse, guidance

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counselor, Principal or other appropriate staff. The plan shall establish outcomes based upon the student's needs and specify the interventions for achieving the outcomes and supporting the student's return to school and regular attendance. That plan may include any or all of the following:

- (a) Referral or consultation with the building's Response to Intervention (RTI) team;
- (b) Testing, assessments or evaluations of the student's academic, behavioral and health needs;
- (c) The consideration of an alternate educational placement;
- (d) Referral to a community-based social and health provider agency or other community resource;
- (e) Referral to the court program designated by the New Jersey Administrative Office of the Courts;
- (f) The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate.

i. Religious Observance

In accordance with statute, no student absent for religious observances of a day recognized by the Commissioner of Education or this Board of Education shall be charged with an absence, deprived of an award or eligibility/opportunity to compete for an award, or of the right to take an alternate to a test or examination missed through such absence.

2. Late Arrival and Early Dismissal

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

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

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- a. Illnesses which manifested themselves after the student reported to school;
 - b. Medical or dental appointments which cannot be scheduled outside of school hours;
 - c. Driver's tests with verification of appointments;
 - d. Emergencies sanctioned at the Principal's discretion;
 - e. Interview for college entrance or employment.
3. Home Instruction

Home instruction may be initiated upon request by parents if the student is absent for ten consecutive days. A statement by a medical examiner giving a prognosis for the length of time a student will be absent and the nature of the illness must be filed in the Superintendent's office before home instruction may commence. Students on home instruction are considered present for attendance purposes.

4. Make-up Work

Although students are provided an opportunity to complete assignments missed due to absences, it would be unwise to suppose that they could compensate for the group interaction they missed in the learning activity of a total class meeting.

- a. The rule of thumb for time allowed to make up work missed due to absence is equal to the total absences, except that the make-up period is not to exceed five days without the permission of the Principal or his/her delegate. Students have a responsibility to make up work missed.
 - b. Students choosing to be absent from classes without excuse (cut) or otherwise found to be truant may not make up work missed during these infractions and may be subject to suspension.
 - c. Students may complete assignments for time missed from school due to actions initiated by the authorities of the school (suspension, exclusion, etc.)
5. Appeals

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The Board is cognizant of possible unforeseen factors which may create hardships relating to the operation of the attendance policy.

- a. Appeals may be made for relief from any measure related to this policy.
- b. Petition for a hearing must be presented to the Principal by a parent or guardian within five days of the receipt of any notice regarding student attendance and/or any action being taken thereon.
- c. Petition will be heard by the Attendance Committee, which may excuse one or more absences for reasons of illness, hardship, or other extenuating circumstances. Academic standing, general behavior, and course standings will be weighed by the committee.
- d. All Attendance Committee decisions will be based on a simple majority vote.
 - (1) The committee will be appointed by the Superintendent of Schools.
 - (2) The committee shall consist of the school Principal or Assistant Principal, one guidance counselor, one school nurse, and two teachers.
- e. Decisions of the Attendance Committee may be appealed to the Superintendent of Schools. Such appeals must be made in writing within seven days of receipt of the decision of the Attendance Committee.
- f. Decisions of the Superintendent may be appealed to the Board of Education. Such appeals must be made in writing within ten days of receipt of the decision of the Superintendent.
- g. Decisions of the Board of Education may be appealed to the Commissioner of Education.
6. Record Keeping
 - a. Reporting student absences is a primary responsibility of the school and shall be accomplished in the following manner:
 - (1) Absences from school will be recorded in an appropriate manner on report cards issued every marking period. Attendance recorded on report cards is an unofficial record of student absences.

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- (2) The Attendance Office will mail a letter of notification to parents or guardian alerting them of the danger of the student's noncompliance with the attendance requirements. Letters will be mailed on the tenth and fifteenth absence. These letters are in addition to normal office procedures of random telephone calls checking on absences, reporting absences on report cards, and the use of progress reports.
 - (3) Homeroom teachers will record the daily attendance for each session as directed by the Attendance Office.
 - (4) Homeroom teachers will record the daily class attendance for each session as directed by the Attendance Office.
 - (5) Every teacher will record the daily class attendance for each student in his or her grade book.
- b. Other Procedures
- (1) Transfers from Rutherford Elementary Schools to other districts during the school year will include notification of grades earned, promotion status, and an explanation of the policy regarding absences and grades.
 - (2) Students who enter Rutherford Elementary Schools after the opening of school shall have the number of absences prorated.

Adopted: 26 June 2017

Revised: 02 April 2018

Revised: 16 July 2018

POLICY GUIDE

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

5320 IMMUNIZATION

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

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

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

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

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

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

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

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

Adopted:



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

R 5320 IMMUNIZATION

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

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

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

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



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



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

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



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

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

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

12. A child student shall be exempted from mandatory immunization if the child's parent(s) or legal guardian(s) submits to the school a written, signed statement requesting an exemption pursuant to the requirements of religious exemptions established at N.J.S.A. 26:1A-9.1, on "the ground that the immunization interferes with the free exercise of the pupil's religious rights." ~~that explains how the administration of immunizing agents conflicts with the student's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.~~



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



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

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



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

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

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



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



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

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

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

IE. Immunization Requirements

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



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



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



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

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



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PROVISIONAL ADMISSION:

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

GRACE PERIODS:

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

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

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

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



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

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

5330.04 ADMINISTERING AN OPIOID ANTIDOTE

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

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

N.J.S.A. 18A:40-12.24 requires a school to obtain a standing order for opioid antidotes pursuant to the "Overdose Prevention Act" - N.J.S.A. 24:6J-1 et seq. The school shall maintain a supply of opioid antidotes under the standing order in a secure, but unlocked and easily accessible location. The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building

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

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

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

In accordance with N.J.S.A. 24:6J-4.a.(1)(f), a prescriber or other health care practitioner, as appropriate, may prescribe or dispense an opioid antidote directly or through a standing order to a school, school district, or school nurse. In



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

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

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

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

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



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

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

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

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

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

Adopted:



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[See POLICY ALERT Nos. 217 and 220]

R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE

A. Definitions

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

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

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



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



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

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

C. Authorization and Training for Administering an Opioid Antidote

1. The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote.
2. However, the Board upon the recommendation of the Superintendent shall designate additional employees who volunteer to administer an opioid antidote in the event that a person experiences an opioid overdose when the nurse is not physically present at the scene.
3. The school nurse and designated employees shall only be authorized to administer opioid antidotes after receiving the training required under N.J.S.A. 18A:40-12.25.b and N.J.S.A. 24:6J-5.
 - a. ~~Each school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall receive training on standardized protocols for the administration of an opioid antidote to a person who experiences an opioid overdose. The training shall include the overdose prevention information described in the "Overdose Prevention Act" N.J.S.A. 24:6J-5. The school district will provide training by an appropriate entity or entities as specified by the NJDOE's guidelines. A school nurse shall not be solely responsible to train the employees designated pursuant to N.J.S.A. 18A:40-12.24.c.~~ Each certified school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall receive training on standard protocols from the school



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physician issuing the standing order or through a written agreement by the school physician with an organization that addresses medical or social issues related to drug addiction.

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

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

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

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

D. Administration of an Opioid Antidote

1. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be authorized to administer an opioid antidote to any person whom the nurse or trained employee in good faith believes is experiencing an opioid overdose.



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- a. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.
 - b. Upon receiving a report or observing a possible opioid overdose in the school or at a school-sponsored function that takes place in a school or on school grounds adjacent to the school building at any time, the Principal or designee or any staff member present will immediately call the school nurse, if present, or a designated staff member who volunteered and was trained to administer an opioid antidote, and emergency medical responders.
2. **The certified school nurse or employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall determine, in addition to the opioid antidote, whether any other emergency medical response is necessary, including but not limited to, cardiopulmonary resuscitation (CPR), Rescue Breaths, or the use of an automated external defibrillator (AED).**
 32. **The certified school nurse and/or other A staff member(s) shall monitor the person who has received an opioid antidote and keep the individual who may be experiencing an opioid overdose comfortable until emergency medical responders arrive on the scene.**
 43. **An individual overdose-victim shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's**

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symptoms appear to have resolved. A student transported to the hospital shall be transported in accordance with the Board's Policy required in treating alcohol or other drug-affected students pursuant to N.J.A.C. 16-4.1(c)5.



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54. The Principal or designee shall notify the Superintendent or designee whenever an opioid antidote is administered.
65. The Principal or designee shall notify, as soon as practical, the parent of any student or a family member or other contact person for a staff member who may be experiencing an opioid overdose or has been administered an opioid antidote.
7. **Nothing in Regulation 5330.04 shall be interpreted to prohibit the administration of an opioid antidote to a student, staff member, or other person in an emergency during school hours or during on-site school-sponsored activities by an emergency medical responder or other person authorized by law to administer an opioid antidote, in accordance with N.J.S.A. 24:6J-1 et seq.**

E. Use of Controlled Dangerous Substances

1. Any student or staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of any applicable statutes and administrative codes and Board Policies and Regulations prohibiting the use of a controlled dangerous substance.

F. Limitation of Liability

1. Pursuant to N.J.S.A. 24:6J-4, the school district, school physician, certified school nurse, and other approved designees shall not, as a result of any acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote.
2. Any person or entity authorized under N.J.S.A. 18A:40-12.23 through 12.28 to administer an opioid antidote, may administer to an overdose victim with full immunity:

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- a. **A single dose of any type of FDA approved opioid antidote for use in treatment of opioid overdoses; and**



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- b. Up to three doses of an intramuscular auto injector or an intranasal application of opioid antidote, as needed to revive the overdose victim.

Adopted Issued:



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

5610 SUSPENSION

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Adopted:



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

R 5610 SUSPENSION PROCEDURES

A. Short-Term Suspensions

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



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



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2. The Principal suspending the student shall immediately report the suspension to the Superintendent, who shall report it to the Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
3. An appeal of the Board's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
4. For a student with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

B. Long-Term Suspensions

1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a student suspended for more than ten consecutive school days by providing the following:
 - a. Notification to the student of the charges prior to the student's removal from school;
 - b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
 - c. Immediate notification to the student's parent of the student's removal from school;
 - d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day;
 - e. Written notification to the parent by the Superintendent or designee within two school days of the initiation of the suspension, stating:



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



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



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



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



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- b. The Board shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, a special committee of the Board, which will include the Superintendent of Schools or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension. The committee's decision will be implemented subject to ratification of the committee's decision at the next regularly scheduled Board meeting.
- 4. When the Board votes to continue a general education student's suspension, it shall review the case, in consultation with the Superintendent, at each subsequent Board meeting for the purpose of determining:
 - a. The status of the student's suspension;
 - b. The appropriateness of the suspended student's current educational program; and
 - c. Whether the suspended student's current placement, pursuant to i. above, should continue or whether the student should return to the general education program.
- 5. When the Board votes to continue a general education student's suspension, it shall make, in consultation with the Superintendent, the final determination on:

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- a. When the student is prepared to return to the general education program;



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- b. Whether the student will remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
 - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.
- 6. The Board shall provide a general education student suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or services, based on the criteria set forth under B.1.i.(2) above, until the student graduates from high school or reaches the age of twenty, whichever comes first.
 - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
 - b. The educational services provided, either in-school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- 7. For a student with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.
 - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to a student with a disability who is subjected to a long-term suspension.
 - b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.
 - c. The provisions of B.2. through B.6. above shall not apply to students with disabilities.

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C. Meeting with Student - Multiple Suspensions or Possible Expulsion

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

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

Adopted:



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

5620 EXPULSION

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

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

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

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



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

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

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

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



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

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

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

Adopted:



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[See POLICY ALERT Nos. 106 and 220]

8320 PERSONNEL RECORDS

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Adopted:



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[See POLICY ALERT Nos. 106 and 220]

R 8320 PERSONNEL RECORDS

A. Content of Record

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



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- m. Completed evaluations;
 - n. Reports of disciplinary incidents;
 - o. Records of special awards, commendations, or distinctions;
 - p. Oath of allegiance;
 - q. Reports of routine physical examinations; and
 - r. Reports of physical and mental examinations required for cause.
- 2. No information will be placed in an employees' file that does not pertain to the employee's position in this district and the performance of the employee's duties.
 - 3. The content of personnel files will be reviewed annually and material no longer required will be destroyed.
- B. Custodian of Personnel Records
- 1. The Superintendent is custodian of all personnel records.
 - 2. Personnel records shall be maintained in the office of the superintendent, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.
- C. Notice of Content of Files
- 1. Each employee shall be informed of the content of his/her personnel file.
 - 2. Each employee will be notified of the inclusion in his/her file of any document that was not received from the employee or at the direction of the employee.
 - a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee.



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

D. Employee Access to Personnel Records

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

E. Appeal of Content of the File

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



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

F. Access by Board Members and School Officials

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

G. ~~Computerized Records~~

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



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

G. Public Access to Employee Records and Information

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



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- b. Personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by the State of New Jersey or the United States, or when authorized by an individual in interest; and
 - c. Data contained in information which disclose conformity with specific experiential, educational, or medical qualification required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record.
3. Information related to the evaluation of a particular employee shall be maintained by the school district, be confidential, and not be accessible to the public pursuant to N.J.S.A. 47:1A-1 et seq., as amended and supplemented, in accordance with N.J.S.A. 18A:6-120.d and 18A:6-121.d.

Issued/Adopted:



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6470.01 ELECTRONIC FUNDS TRANSFER AND CLAIMANT CERTIFICATION

The Board of Education permits the School Business Administrator/Board Secretary to use standard electronic funds transfer (EFT) technologies for EFTs for payment of claims pursuant to N.J.A.C. 5:30-9A.1 et seq. and 5:31-4.1, implementing N.J.S.A. 40A:5-16.5.

“Electronic funds transfer” for the purposes of Policy and Regulation 6470.01 means any approved method of transferring moneys permitted by N.J.A.C. 5:30-9A.1 et seq. that does not involve the physical presentation of a paper check, draft, or similar paper instrument including, but not limited to, wire transfers, e-checks, automated clearing house (ACH) transfers, and transactions initiated by phone or fax.

In accordance with N.J.S.A. 40A:5-16.5.b.(1), the Board of Education authorizes the use of only the forms of standard EFT technologies that are approved to be used by a Board of Education for EFTs for payment of claims. A Board of Education may not utilize procurement cards, charge cards, charge accounts, or any payment services such as PayPal or Venmo.

In accordance with N.J.S.A. 40A:5-16.5.b.(2), the Board designates the School Business Administrator/Board Secretary as being responsible for the oversight and administration of the provisions of N.J.S.A. 40A:5-16.5, N.J.A.C. 5:30-9A.1 et seq.; 5:31-4.1, and Policy and Regulation 6470.01.

The Board of Education will only initiate and approve electronic funds in accordance with N.J.A.C. 5:30-9A.1 et seq. Standard EFT technologies shall incorporate, at a minimum, the features and safeguards outlined in N.J.A.C. 5:30-9A.4(a). The Board will only utilize standard EFT technologies upon instituting, at a minimum, the fiscal and operational controls outlined in N.J.A.C. 5:30-9A.4(b).

The School Business Administrator/Board Secretary shall initiate a claim for payment by presenting a claim that has been approved by the Board, to be paid using an EFT technology. The School Business Administrator/Board Secretary



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shall submit the claim for payment with all supporting documentation to the Superintendent of Schools or designee who is not under the direct supervision of the School Business Administrator/Board Secretary, who shall review the claim for payment and authorize, in writing, the EFT claim using an EFT method.

The Board of Education shall annually approve the School Business Administrator/Board Secretary as the person authorized to initiate a claim for payment and the Superintendent of Schools or a designee not under the direct supervision of the School Business Administrator/Board Secretary as the person responsible to review a claim for payment presented by the School Business Administrator/Board Secretary and authorize payment using an approved EFT method.

On no less than a weekly basis, activity reports on all transactions utilizing standard EFT technologies shall be reviewed by an individual designated and approved by the Board that is not under the direct supervision of the School Business Administrator/Board Secretary and is not empowered to initiate or authorize EFTs.

Claimant certification for a Board of Education shall be in accordance with the provisions of N.J.S.A. 18A:19-3 and rules promulgated by the New Jersey Department of Education.

Providers of Automated Clearing House (ACH) and wire transfer services must be financial institutions chartered by a State or Federal agency, with the further requirement that these financial institutions providing ACH and wire transfer services be covered under the Governmental Unit Deposit Protection Act (GUDPA), N.J.S.A. 17:9-41 et seq.

EFTs through ACH must utilize Electronic Data Interchange (EDI) technology, which provide transaction related details including invoice numbers, pay dates, and other identifying information as appropriate for each transaction. The Board must approve an ACH Origination Agreement with the financial institution(s).

N.J.S.A. 18A:19-3

N.J.S.A. 40A:5-16.5

N.J.A.C. 5:30-9A.1 et seq.

Adopted:



SUMMARY STATEMENT

P 6470.01 – Electronic Funds Transfer and Claimant Certification (M) (New)

R 6470.01 – Electronic Funds Transfer and Claimant Certification (M) (New)

The New Jersey Department of Community Affairs (DCA) recently published Local Finance Notice, LFN 2018-13, providing guidance to public entities, including Boards of Education and Charter School Boards, on the use of electronic funds transfer (EFT) for payment of claims electronically. Updated administrative code N.J.A.C. 5:30-9A et seq. and N.J.A.C. 5:31-4 implementing N.J.S.A. 40A:5-16.5 provide the details for a school district and charter school using an EFT technology for payment of claims electronically in lieu of paper checks.

School districts and charter schools operate under the provisions of N.J.S.A. 18A, but several provisions of the recently revised EFT administrative code for other public entities are available to school districts and charter schools. These provisions are outlined in the administrative code and LFN 2018-13. New Policy and Regulation Guides 6470.01 have been developed for school districts and charter schools that want to use EFTs for payment of claims. School districts and charter schools are not required to use EFTs for payment of claims, but N.J.S.A. 40A:5-16.5.a. requires a Policy and Regulation for school districts and charter schools that decide to use EFTs for the payment of claims. Below is a summary of the provisions in the statute, administrative code, and LFN.

N.J.S.A. 40A:5-16.5.b. requires a policy indicate the EFT methods that may be used to electronically pay claims. Policy and Regulation Guides 6470.01 indicates the EFT methods will be only those permitted by statute and code, which currently include wire transfers, e-checks, and automated clearing house (ACH) transfers.

The statute and administrative code require the School Business Administrator/Board Secretary as the Chief Financial Officer, responsible for the oversight and administration of the policy and to document and implement internal controls to mitigate the potential for fraud and abuse.

The statute and administrative code require adequate segregation of duties between the initiation, authorization, and review functions associated with EFTs. Policy Guide 6470.01 assigns initiation of an EFT payment to the School Business Administrator/Board Secretary and the authorization to pay the claim using an EFT method to the Superintendent or a designee not under the direct supervision of the School Business Administrator/Board Secretary.

The statute and administrative code require the School Business Administrator/Board Secretary, as the Chief Financial Officer, prepare EFT Activity Reports to be reviewed by an employee or non-employee (i.e. school auditor, accountant, Board President) on at least a weekly basis. The Policy and Regulation Guides 6470.01 require these Activity Reports be provided to the Board at the first regular monthly Board meeting following the EFT transaction. The administrative code and LFN requires these Activity Reports be maintained for audit. Board approval of the

expenditures included on the weekly Activity Reports is not required because the EFT transaction only addresses the payment process after the Board has previously approved the payment of the claim on the bill list.

The LFN and Policy and Regulation Guides 6470.01 require all EFT transactions be reconciled with bank statements and accounting records on a monthly basis.

The LFN indicates several EFT options available to other governmental units are not available to school districts. The LFN indicates automated debits, payment services, procurement cards, bank charge cards, and charge cards issued by a specific vendor are not authorized for use by a Board of Education as indicated in the LFN and pursuant to law.

The LFN indicates the Board should annually, at its reorganization meeting, approve the individuals with EFT responsibilities. Therefore, for Boards of Education the following individuals, with responsibilities outlined below, must be approved by the Board:

1. School Business Administrator/Board Secretary –
Shall be responsible to initiate a claim for payment using an EFT method that has been approved in accordance with the N.J.S.A. 18A:19-1 et seq. and Policy and Regulation 6470.01 and to make the payment once authorization is granted.
2. The Superintendent of Schools or the Superintendent's designee not under the direct supervision of the School Business Administrator/Board Secretary –
Shall be responsible to review and authorize, in writing, the EFT payment of claim using an EFT technology that was initiated and presented by the School Business Administrator/Board Secretary.
3. An employee, non-employee, Board President, or other individual who is not under the direct supervision of the School Business Administrator/Board Secretary –
Shall be responsible to review all EFT weekly Activity Reports on all EFT-based transactions.

Payment of claims using an EFT technology must strictly comply with statutes, administrative code, the LFN, and Policy and Regulation Guides 6470.01. A Board of Education that is considering the adoption of this Policy and Regulation should review N.J.A.C. 5:30-9A and 5:31-4 implementing N.J.S.A. 40A:5-16.5, the DCA's LFN 2018-13, and Policy and Regulation 6470.01 with their Board auditor. Policy and Regulation Guides should not be adopted by a Board of Education that does not want to permit EFT transactions for the payment of claims. However, Policy and Regulation 6470.01 are mandated and must be adopted by a Board of Education wanting to permit the use of EFT transactions for the payment of claims.

1. The business office would request board approval as it does with any other payment, through the bills list approval on the board agenda.
2. Following that approval, I would provide you with a formal request to make the payment as well as any supporting documentation. This would require your written approval. At that point the transfer could be made.

3. On at least a weekly basis, activity reports of all EFTs will need to be reviewed by an individual designated and approved by the board that is not under my direct supervision and is not empowered to initiate or authorize EFTs. Strauss Esmay's guidance suggests the school auditor or the Board President, but not the superintendent. These activity reports must be provided to the board at the first regular monthly board meeting following the transactions.
4. The board must approve an ACH origination agreement with the bank.
5. At the annual reorganization meeting, the board will approve me as the person authorized to initiate a claim and you as a person responsible to review the claim for payment and to authorize payment using EFT.
6. This policy and related regulations are mandatory.

Currently, we make three types of transactions using EFT's. Less frequent are principal and interest payments, which will now be made four times per year, and benefit premium payments which are monthly. These would be relatively easy to adapt to this process although benefits invoices usually come out toward the end of the month and due on the 15th of the following month, so there could be times when we couldn't get board approval in advance of the payments. For example, the August 24 meeting is too early to have the invoice included on the bills list, but the September 14 meeting would be too late, if we were to stick to the letter of the law here. So these payments might need to be made on a timely basis with retroactive approvals.

Payroll would also fall under this policy. Specifically, the transmission of the direct deposit file and the payment of certain agency obligations are done electronically, and these will have to be done regardless of the schedule of board meetings, and will necessitate retroactive approvals.

Policy Guide 6470.01 is **MANDATED**
Regulation Guide 6470.01 is **MANDATED**

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Electronic Funds Transfer and
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R 6470.01 ELECTRONIC FUNDS TRANSFER AND CLAIMANT CERTIFICATION

A. Definitions – N.J.S.A. 40A:5-2 and N.J.A.C. 5:30-9A.2

For the purposes of Policy and Regulation 6470.01:

"Automated clearing house (ACH) transfer" means an electronic funds transfer initiated by the Board of Education authorizing a banking institution to push funds from the Board of Education bank account(s) into a vendor or claimant's bank account, executed through the ACH electronic clearing and settlement system used for financial transactions.

"Board of Education" means a Board of Education as defined by the "Public School Contracts Law," N.J.S.A. 18A:18A-1 et seq.

"Charge account" or "charge card" means an account, linked to a credit card issued by a specific vendor to which goods and services may be charged on credit, that must be paid when a statement is issued.

"Check" means the instrument by which moneys of the Board of Education are disbursed.

"Chief Financial Officer" means the School Business Administrator/Board Secretary.

"Chief Executive Officer" means the Superintendent of Schools.

"Claimant certification" or "vendor certification" means verification of claims pursuant to N.J.S.A. 18A:19-3.

"Disbursement" means any payment of moneys, including any transfer of funds, by any means.



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"Electronic funds transfer" (EFT) means any approved method of transferring moneys permitted by N.J.A.C. 5:30-9A.1 et seq. that does not involve the physical presentation of a paper check, draft, or similar paper instrument including, but not limited to: wire transfers, e-checks, automated clearing house (ACH) transfers, and transactions initiated by phone or fax.

"Electronic data interchange (EDI)" means technology that provides transaction related details, including invoice number(s), pay dates, and other identifying information as appropriate for each transaction.

"Electronic Funds Transfer and Indemnification Agreement" means a signed legally binding indemnification agreement renewed on an annual basis between a Board of Education and a banking institution authorized to conduct business in New Jersey, which authorizes that institution to access bank accounts for the purpose of conducting EFTs through the ACH operating system.

"Governing body" means the Board of Education.

"Internal controls" mean fiscal and operational controls that ensure safe and proper use of a standard EFT system and mitigate the potential for fraud and abuse. For purposes of N.J.A.C. 5:30-9A.1 et seq., internal controls shall include technological safeguards and cyber security practices, as well as processes affected by the governing body, management, and other personnel establishing fiscal and operational controls that reduce exposure to risk of misappropriation.

"Local Unit" means any county, municipality, special district, or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department, or agency of any of the foregoing having custody of funds, but shall not include a school district.

"National Automated Clearing House Association (NACHA) file" means a file, formatted to NACHA specifications, which contains instructions for transferring funds between accounts.



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"Payment documentation" means such documentation, including evidence of approvals and certifications, as is required by N.J.S.A. 40A:5-16.b, 40A:5-17, and 18A:19.1 et seq., and N.J.A.C. 5:30-9A.1 et seq. prior to the legal paying out of moneys.

"Procurement card" or "P-card" means an account or physical card that represents an account governed by characteristics specific to a procurement card. These characteristics include limits of time, amount, access, and purchase category controlled by the local unit, local authority, or county college in accordance with an agreement with an issuer. While such cards may have the appearance of a credit card, such as Visa, MasterCard, American Express, or Discover, such general-purpose cards do not feature the controls that procurement cards have and as such are not permitted under N.J.A.C. 5:30-9A.1 et seq. A "Procurement card" or "P-card" may not be used by a Board of Education.

"Reconciliation of activity" means the process used to determine that all transactions utilizing standard EFT technologies are accurate, authorized, and allocable to encumbered appropriations.

"Standard electronic funds transfer technologies" means technologies that facilitate the transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, initiated by means such as, but not limited to, an electronic terminal, telephone, computer, or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account, and incorporate, at a minimum, internal controls set forth in rules promulgated by the Local Finance Board. No general purpose credit or debit card shall be considered a standard EFT technology.

"Supervisory review" means the process performed by an individual in a supervisory capacity to confirm the propriety and accuracy of standard EFT technologies use initiated by subordinates.

"Transaction" means any activity that may result in demand for payment.



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“Warrant” means the draft or check of any Board of Education used in warranting disbursement of moneys and shall, in every instance, be evidenced by the issuance of a check of the Board of Education. In no instance shall it be necessary for the Board of Education to refer to, or issue, a check separate and distinct from the warrant.

B. Authorization to Use Standard Electronic Funds Transfer Technologies for Electronic Funds Transfers – N.J.A.C. 5:30-9A.3

1. The Board of Education adopts Policy and Regulation 6470.01 to permit the School Business Administrator/Board Secretary to use only the forms of standard EFT technologies that are approved for New Jersey Boards of Education for EFTs for payment of claims pursuant to N.J.A.C. 5:30-9A.1 et seq. and 5:31-4.1, implementing N.J.S.A. 40A:5-16.5.
 - a. A Board of Education may not utilize procurement cards, charge cards, charge accounts, or any payment services such as PayPal or Venmo.
2. N.J.A.C. 5:30-9A.1 et seq. does not authorize a Board of Education to exceed the maximum bid thresholds or other limits set forth in the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq.
3. Providers of ACH and wire transfer services are to be financial institutions chartered by Federal or State authority. ACH and wire transfer services must be provided by a financial institution covered by the Governmental Unit Deposit Protection Act (GUDPA), N.J.S.A. 17:9-41 et seq.

C. Standard Electronic Funds Transfer Technologies; Internal Controls and Conditions for Use – N.J.A.C. 5:30-9A.4

1. The Board of Education will only initiate and approve electronic funds in accordance with N.J.A.C. 5:30-9A.1 et seq. Standard EFT technologies shall incorporate, at minimum, the following features and safeguards:



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- a. The ability to designate specific individuals able to initiate disbursements, barring those not authorized to initiate disbursements from doing so.
 - (1) The Board of Education designates and approves the School Business Administrator/Board Secretary to be responsible to initiate a claim for payment using an EFT method that has been duly approved in accordance with N.J.S.A. 18A:19-1 et seq. and Policy and Regulation 6470.01.
 - (2) Each claim for payment approved or ratified by the Board shall indicate any payment made using an EFT technology, the type of EFT technology that will or has been utilized in paying the claim, along with a reference that permits tracking.
- b. The ability to designate individuals who may authorize disbursement and segregate initiation and authorization functions. Password or other security controls shall be in place to restrict access based on an individual's authorized role.
 - (1) The School Business Administrator/Board Secretary shall initiate a claim for payment by presenting a claim that has been approved by the Board, to be paid using an EFT technology. The School Business Administrator/Board Secretary shall submit the claim for payment with all supporting documentation to the Superintendent of Schools or a designee who is not under the direct supervision of the School Business Administrator/Board Secretary.



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- (2) The Superintendent of Schools or a designee who is not under the direct supervision of the School Business Administrator/Board Secretary shall review the claim for payment and authorize, in writing, the EFT claim that was initiated by the School Business Administrator/Board Secretary before the School Business Administrator/Board Secretary pays the claim using an EFT method.
 - (a) The School Business Administrator/Board Secretary will not pay a claim using an EFT method without written authorization from the Superintendent of Schools or the designee.
 - (3) The Board of Education shall annually approve the School Business Administrator/Board Secretary as the person responsible to initiate a claim for payment and the Superintendent of Schools or the designee not under the direct supervision of the School Business Administrator/Board Secretary as the person responsible to review a claim for payment presented by the School Business Administrator/Board Secretary and authorize the School Business Administrator/Board Secretary to make the payment using an EFT method.
 - (4) The Superintendent of Schools or the designee shall ensure passwords and security codes are in place to restrict access based on an individual's role.
- c. The ability to confirm receipt of payment by vendor.
- (1) The School Business Administrator/Board Secretary shall receive confirmation from the vendor an EFT payment has been received by the vendor. Documentation supporting receipt of an EFT payment received by a vendor shall be included with the claim's supporting documentation.



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- d. The ability to bar automatic debits from Board of Education accounts.
 - (1) The School Business Administrator/Board Secretary shall require all banking institutions approved by the Board of Education prohibit any automatic debits from any Board of Education bank account as each individual disbursement to a vendor must be preceded by instructions submitted to the bank.
- e. The ability for appropriate officials to view transaction history, generate activity reports, and conduct supervisory reviews of all transactions.
 - (1) On no less than a weekly basis, the School Business Administrator/Board Secretary shall prepare an Activity Report on all EFT-based transactions.
 - (2) All Activity Reports prepared by the School Business Administrator/Board Secretary shall be submitted and reviewed by an employee or non-employee (i.e. school auditor, accountant, Board President, etc.) approved annually by the Board of Education who is not under the direction of the School Business Administrator/Board Secretary and who is not empowered to authorize EFT transactions.
 - (3) The Activity Report shall include, but not be limited to:
 - (a) The name of the payee;
 - (b) The Board approval date approving the payment of the claim;
 - (c) The fund and account the payment is being paid from;



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- (d) The technology utilized in each EFT transaction; and
 - (e) The date of payment.
- (4) A copy of all Activity Reports shall be provided to the Board of Education at the first regular monthly Board meeting following any EFT transactions.
- (5) All EFT Activity Reports and evidence of the review by the employee or non-employee (i.e. school auditor, accountant, etc.) designated and approved annually by the Board of Education who is not under the direction of the School Business Administrator/Board Secretary and who is not empowered to authorize EFT-based transactions are to be maintained and available for audit by the Board of Education's independent auditor.
- (6) The School Business Administrator/Board Secretary or designee shall perform a monthly reconciliation of the reviewed/approved weekly EFT Activity Reports of the EFT transactions appearing on bank statements and in the accounting records (i.e. general ledger, bank reconciliations, list of bills approved by Board, etc.).
 - (a) Evidence to support the performance of this monthly review must be maintained by the School Business Administrator/Board Secretary and available for audit by the Board of Education's independent auditor.
- f. The ability to back-up transaction data and store such data offline.
 - (1) The School Business Administrator/Board Secretary shall ensure all EFT transaction data is backed-up and stored offline.



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- (a) However, any ACH file that is in plain text format must not be stored on a Board of Education's local computer past the time the file is transmitted to the bank.
- g. Measures to mitigate risk of duplicate payment.
 - (1) The School Business Administrator/Board Secretary shall ensure an EFT payment is not duplicated by any other means.
 - (2) More than one EFT payment to the same vendor ratified or approved for payment by the Board of Education will be reviewed by the School Business Administrator/Board Secretary prior to payment to ensure there is no duplicate or multiple payments for the same goods or services.
- h. The creation and maintenance of an audit trail, such that transaction history, including demands for payment and payment initiation, authorization, and confirmation, can be independently tracked and detailed through the use of an EDI or functional equivalent.
 - (1) The Board of Education's EDI or functional equivalent will have the ability to create and maintain the required audit trail.
- i. The following cyber security best practice framework shall be followed:
 - (1) Any system supporting a standard EFT shall:
 - (a) Be hosted on dedicated servers or in a FedRAMP Moderate Impact Level Authorized Cloud. When using cloud services, the vendor shall check provider credentials and contracts;



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- (b) Encrypt stored and transmitted financial information and personal identification information;
 - (c) Maintain only critical personal identification information. Social Security numbers shall not be utilized as identification numbers for system purposes;
 - (d) Employ a resilient password policy;
 - (e) Undergo regular and stress testing;
 - (f) Have regular security updates on all software and devices carried out;
 - (g) Have back-up plans, information disposal, and disaster recovery procedures created and tested;
 - (h) Undergo regular security risk assessments for detecting compromises, along with regular monitoring for vulnerabilities, with necessary patches and updates being implemented; and
 - (i) Develop a Cybersecurity Incident Response Plan.
- (2) The managing organization shall:
- (a) Check provider credentials and contracts when using cloud services;
 - (b) Educate staff in good security measures and perform employee background checks; and
 - (c) Create a computer security incident response team, generally called a CSIRT.



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- j. Financial institution providers of standard EFT technologies shall provide annual evidence of satisfactory internal control to the School Business Administrator/Board Secretary;
 - k. ACH payments shall follow rules set forth by the National Automated Clearing House Association (NACHA) or an equivalent successor banking industry standard. In addition, the following safeguards shall be instituted:
 - (1) All EFTs through the ACH must utilize EDI technology and be subject to an Electronic Funds Transfer and Indemnification Agreement;
 - (2) A user that can generate an ACH file shall neither have upload rights nor access that permits editing of a vendor routing number or vendor account number;
 - (3) Each edit to vendor ACH information shall be approved by a separate individual and be logged showing the user editing the data, date stamp, IP address, and the approval of the edit;
 - (4) Any ACH file that is in plain text format shall not be stored on a local computer past the time transmitted to a bank; and
 - (5) If supported by the Board of Education's financial institution(s), said entities shall avail themselves of the ability to recall ACH payments via NACHA file.
2. The Board of Education will only utilize standard EFT technologies upon instituting, at a minimum, the following fiscal and operational controls:



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Electronic Funds Transfer and Claimant Certification

- a. Policy and Regulation 6470.01 shall be adopted authorizing and governing the use of standard EFT technologies consistent with N.J.A.C. 5:30-9A.1 et seq.;
- b. The School Business Administrator/Board Secretary shall ensure that the minimum internal controls set forth in N.J.A.C. 5:30-9A.1 et seq., along with those internal controls set forth in Policy and Regulation 6470.01 are in place and being adhered to;
- c. Initiation and authorization roles shall be segregated, and password-restricted.
 - (1) The School Business Administrator/Board Secretary shall be responsible for initiating all EFTs.
 - (2) When the School Business Administrator/Board Secretary initiates an EFT, the Superintendent or a designee not under the direct supervision of the School Business Administrator/Board Secretary shall be responsible for authorization of the EFT.
 - (a) The School Business Administrator/Board Secretary will not pay a claim using an EFT method without written authorization from the Superintendent of Schools or the designee.
 - (3) The Board of Education may designate and approve a backup officer/staff member in the event the School Business Administrator/Board Secretary or Superintendent or a designee not under the direct supervision of the School Business Administrator/Board Secretary who is approved to authorize the EFT payment is unavailable.



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Electronic Funds Transfer and Claimant Certification

- (4) All payment of claims, ordinances, or resolutions enacted pursuant to N.J.S.A. 40A:5-17.b shall, at a minimum, comply with the provisions of N.J.A.C. 5:30-9A.4.
 - (5) N.J.A.C. 5:30-9A.4 shall not be interpreted to prevent a Board of Education from requiring, authorizing, and approving more than one officer to authorize an EFT.
 - d. No Board of Education shall disburse funds unless the goods and services are certified as having been provided pursuant to N.J.S.A. 18A:19-1 et seq. and N.J.A.C. 5:30-9A.1 et seq.
 - e. On no less than a weekly basis, Activity Reports on all transactions utilizing standard EFT technologies shall be reviewed by an individual designated and approved by the Board that is not under the direct supervision of the School Business Administrator/Board Secretary and is not empowered to initiate or authorize EFTs.
 - (1) Reconciliations shall be performed on a monthly basis.
 - (2) All Activity Reports generated by the School Business Administrator/Board Secretary shall be monitored by another individual designated and approved by the Board who is not under the supervision of the School Business Administrator/Board Secretary.
 - f. A user that uploads an ACH file shall check the amounts and recipients against a register displaying ACH payments.
- D. Claimant Certification; When Payment Can Be Made Without Claimant Certification - N.J.A.C. 5:30-9A.6



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Claimant Certification

1. Claimant certification for a Board of Education shall be in accordance with the provisions of N.J.S.A. 18A:19-3 and rules promulgated by the New Jersey Department of Education.

E. Automated Clearing House (ACH) Transactions

1. Providers of ACH and wire-transfer services must be financial institutions chartered by a State or Federal agency, with the further requirement that financial institutions providing ACH and wire transfer services be covered under the GUDPA, N.J.S.A. 17:9-41 et seq.
2. ACH payments shall follow rules set forth by the National Automated Clearing House Association (NACHA) or equivalent successor banking industry standard.
3. EFTs through ACH must utilize EDI technology which provides transaction related details including invoice numbers, pay dates, and other identifying information as appropriate for each transaction.
4. The Board of Education must approve an ACH Origination Agreement with the financial institution(s).
5. Users authorized to generate an ACH file shall neither have upload rights nor access permitting editing of a vendor routing number or vender account number.
6. Each edit to vendor ACH information must be approved by a separate individual and be logged showing the user editing the data, date stamp, IP address, and the approval of the edit.
7. Any user uploading an ACH file shall check the amounts and recipients against a register displaying ACH payments.
8. If supported by the financial institution, the Board of Education shall avail itself of the ability to recall ACH payments via NACHA file.

Issued:



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July 20

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[Sec POLICY ALERT No. 221]

1648 RESTART AND RECOVERY PLAN

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

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

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

1. Transportation

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



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

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

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

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



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



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d. Exceptions to the Requirement for Face Coverings

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

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

3. Facilities Cleaning Practices

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

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

4. Wraparound Supports

- a. Mental Health Supports



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

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

5. Contact Tracing

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

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



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

1. Scheduling

- a. The school district's Plan must account for resuming in-person instruction and shall provide steps to shift back to virtual learning models if circumstances change and in-person instruction guidelines can no longer be followed.
- b. The school district's Plan accommodates opportunities for both synchronous and asynchronous instruction, while ensuring requirements for a 180-day school year are met.
- c. The school district recognizes special populations will require unique considerations to ensure the continuity of learning as well as the health and safety of students and staff within the least restrictive environment.

(1) Special Education and English Language Learners (ELL)

- (a) The school district shall provide educators with professional development to best utilize the accessibility features and accommodations tools made available through technology-based formats in accordance with this Policy.
- (b) The school district shall continue to ensure students receive individualized supports that meet the requirements of the IEP and 504 Plans.

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



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2. Staffing

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

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

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

1. School Funding

a. Purchasing

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

b. Use of Reserve Accounts, Transfers, and Cashflow

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



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c. Costs and Contracting

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

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

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

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

2. Professional Learning

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

(1) Professional Learning

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

(2) Mentoring and Induction

- (a) The school district shall ensure:

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



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

(3) Evaluation

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



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Adopted:

Appendices

The school district must attach Appendices C, E, F, G, K, N, and O from the district's Restart and Recovery Plan here as required by this Policy 1648.





SUMMARY STATEMENT

P1648 – Restart and Recovery Plan (M) (New)

On June 26, 2020, the New Jersey Department of Education (NJDOE) published “The Road Back - Restart and Recovery Plan for Education” (NJDOE Guidance), a guidance document for reopening New Jersey schools in September 2020 during the COVID-19 pandemic. School districts are required to develop a Restart and Recovery Plan (Plan) for the reopening of schools for September 2020 that is consistent with the NJDOE Guidance. The NJDOE Guidance indicates each school district must develop, in collaboration with community stakeholders, the details of their Plan to reopen schools in September 2020. Strauss Esmay has developed a Plan Template a school district may use in developing their Plan.

The Plan Template includes items a school district should incorporate into their Plan referred to as “anticipated minimum standards” in the NJDOE Guidance and identifies those areas where the school district must develop protocols that best fit the district’s local needs. The Plan Template is designed to have a school district insert its locally developed protocols into an Appendices section of the Plan Template, which would complete the school district’s Plan.

Strauss Esmay has reviewed the NJDOE Guidance and identified those areas that require a Board Policy. In addition, we have identified areas in the NJDOE Guidance that indicate the school district “must” take specific action. Policy Guide 1648 – Restart and Recovery Plan is a Policy Guide that includes the areas in the NJDOE Guidance that *require* a Policy and areas in the NJDOE Guidance that indicate a school district *must* take specific action. **Sections of the Policy Guide reference Appendices that must be attached to this Policy. These Appendices are the same locally developed protocols school officials included in the school district’s Restart and Recovery Plan.**

The school district must attach Appendices C, E, F, G, K, N, and O from the district’s Restart and Recovery Plan to Policy 1648 in order to meet the Policy requirements of the NJDOE Guidance.

Strauss Esmay believes adopting one Policy that addresses the NJDOE’s Guidance and having to abolish just one Policy when this pandemic is over is preferred to revising six or seven policies now and then revising the same six or seven policies when this pandemic is over. This Policy Guide shall only be effective through the current COVID-19 pandemic and will take precedence over any existing district Policy or Regulation on the same or similar subject, unless determined otherwise by the Superintendent.

Policy Guide 1648 is **MANDATED**

Appendix C

Critical Area of Operation #3 – Transportation

Health and Safety

- Drivers and bus aides must wear face coverings and use hand sanitizer when entering the bus for the first time. Drivers and aides should continue to use hand sanitizer as warranted.
- Buses will each be equipped with a UV-C air purifier.
- Hand sanitizer will be provided to students at the entrance of the bus
- Students will maintain social distance and wear face coverings while waiting for the bus and must continue wearing them upon entering the bus (unless a documented disability or medical condition prohibits face covering usage).
- Signs will be posted on the bus reminding students that face coverings must be worn.
- When possible, students will be seated individually in every other row.
- When loading the bus, students will load from back to front.
- When exiting the bus students will exit from front to back.
- When weather conditions permit, bus windows will be opened to allow for fresh air.
- Each bus will be cleaned daily.
- Individual bus seats will be sanitized between each use.
- The district will consult *Guidance for Cleaning and Disinfecting* from the CDC for the recommended list of acceptable sanitizing solutions and procedures.
 - The district uses Hillyard products from the EPA's list of acceptable products.
- The Rutherford Transportation Department will inform parents/guardians of required social distancing requirements, face covering requirements and other health and safety protocols as related to busing.
- All transportation protocols will be reviewed and updated as new Federal and/or state guidelines are disseminated.
- The district does not provide traditional busing for all students due to the small size of the municipality.
- The Rutherford Transportation Department includes 7 buses.
- The routes are as follows:
 - Paramus Vo-Tech - The district will continue this service.
 - Morning pickup will be at RHS for approximately 10 students.
 - Mid-morning pickup from Votech to RHS for approximately 4 students.
 - Afternoon pickup from RHS to Votech for approximately 1 student.

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- South Bergen Jointure Commission school locations - Primetime, Maywood, Lodi, South Hackensack and Felician Campus - The district will continue these services.
 - Transportation for out of district students to locations not mentioned above are *not* coordinated by the Rutherford Transportation Department. The South Bergen Jointure Commission (SBJC) transportation department facilitates hiring busses, setting routes and establishing routines and procedures Their responsibility includes following new measures to ensure these hired companies adhere to Covid-19 related policies.
 - The district will eliminate courtesy bussing between Union Middle School and Pierrepont.
 - The district will eliminate transportation between Lincoln and Lincoln Annex for LLD students.
 - The district will eliminate field trips requiring transportation.
 - Transportation will be provided for NJSIAA events following the guidelines outlined by that governing body.
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RESTART & RECOVERY PLAN - RUTHERFORD PUBLIC SCHOOLS

Appendix E

Critical Area of Operation #5 - Screening, PPE, and Response to Students and Staff Presenting Symptoms

Screening Procedures for Students and Staff

- All parents in the district will receive the CDC screening checklist entitled “Daily Home Screening Checklist.” Parents are required to screen their child every day before sending their child to school.
- Parents must not send an ill child to school who presents signs of illness.
- Parents will notify the school district if any student travel has taken place within the states/territories/countries registered in the New Jersey travel advisory list within the last 14 days and/or any contact with a known case of COVID-19.
- Staff will be responsible for self-assessment prior to entering school building on a daily basis and informing their administrator of exposure to COVID-19 or travel outside of New Jersey.
- Visitors to the building will be screened upon entering any district building. They will have their temperature taken and they will be asked the following questions.
 - Have you or a family member recently been diagnosed with COVID-19?
 - Have you or a family member presented with a cough, fever or have you or a family member been in contact with someone who has been diagnosed with COVID-19 in the last 14 days?
 - Have you or a family member traveled outside of New Jersey recently?
- New students entering the district from states considered high risk will be quarantined for 14 days. Students can be placed into full-time remote learning during that quarantine.

Protocols for Symptomatic Students and Staff

- Students who present with symptoms will be referred to the nurse's office for evaluation and isolated from others in a supervised designated space.
 - Staff members who present with symptoms during the school day should inform their administrator. They will be sent to the nurse's office for evaluation and will be isolated from others in a designated space.
 - When a student is to be sent home, the parent/guardian will be notified that the student should be picked up or they should arrange to have the student picked up promptly.
 - Students who are sent home with a fever at or above 100.4 must remain out of school. They may not return until they have been fever-free without any fever-reducing medication for at least 72 hours (3 days).
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- If a student's physician has tested the student for COVID-19, the student may not return to school until further test results are reported to be negative.
- Students with positive results may only return to school upon a further negative test.
- Students who seek medical attention from a physician should return to school with a medical note stating the diagnosis and clearance to return to school.
- Students who are leaving for illness will be escorted out of the building by the school nurse to meet the student's parent/guardian or authorized adult arrives to take the student home.
- Staff who are sent home with signs and symptoms of COVID-19 must remain out of school. They may not return until they have been fever-free without any fever-reducing medication for at least 72 hours (3 days).
- If a staff member's physician has tested the staff member for COVID-19, the staff member may not return to work until test results are reported to be negative.
- Staff members with positive results may only return to school upon a further negative test.
- The school nurse and administration will follow current Communicable Disease Service guidance for illness reporting.
- The school nurse will ensure continuous monitoring of symptoms.

Protocols for Face Coverings

- Parents will provide face coverings for their children; however, the district will also have face coverings available if a child forgets his/hers.
 - Faculty/staff are required to wear face coverings throughout the day.
 - Students will be required to wear face coverings throughout the day. Students will be given breaks at teacher discretion during times when social distance is being maintained.
 - Student's face coverings will be properly stored when not in use.
 - Accommodations for students who are unable to wear a face covering will be addressed according to that student's need and in accordance with all applicable laws and regulations.
 - Exceptions to requirements for face coverings shall be as follows:
 - When the individual is in extreme heat outdoors
 - When the individual is in water
 - When a student has a documented medical condition, or disability as reflected in an IEP, precludes the use of face covering
 - When the student is under the age of two and could risk suffocation
 - School staff and visitors are required to wear face coverings unless doing so would inhibit the individual's health or the individual is under 2 years of age.
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- All faculty/staff members will receive a KN-95 surgical mask provided by the school district. Alternatively, faculty/staff members may choose to wear their own washable or disposable face coverings.
- Teachers will be provided with manufacturer's guidelines on the KN-95 surgical mask usage.
- Extra face coverings will be available in the nurse's office.
- When appropriate, specific staff may use a clear mask to allow for seeing a teacher's full face. This may be done in speech classes, MD rooms, LLD rooms. Teachers and nursing staff who are communicating with special needs students may also utilize them where appropriate. In all cases, the teacher must replace the clear mask with their district-issued surgical mask promptly after working with those students.
- If a visitor refuses to wear a face covering for non-medical reasons and if such covering cannot be provided to the individual at the point of entry, the visitor's entry to the school/district facility may be denied.

Protocols for Students or Faculty/Staff Testing Positive

The district continues to await guidance from the NJDOE and the NJDOH regarding this topic. At this point, the district will follow the protocols herein.

When the district becomes aware that a student or staff member who has been in one or more of the school buildings tests positive for COVID-19, the district shall immediately notify local health officials, staff, and families of the confirmed case – while maintaining confidentiality.

The school nurse and administrator(s) will assist the local Board of Health with contact tracing by making records of groups/cohorts, assigned staff members, and daily attendance available – adhering to the FERPA and HIPPA guidelines.

Remittance to schools will be consistent with policies developed by the Borough of Rutherford Department of Health in response to positive COVID-19 cases.

The district will also consult the guidelines for procedures when known cases of Covid 19 have been present in schools (as taken from [CDC Website: Interim Guidance for Administrators of US K-12 Schools and Child Care Program](#))

Any school in the district might need to implement short-term closure procedures regardless of community spread if an infected person has been in a school building. If this happens, CDC recommends the following procedures regardless of the level of community spread:

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- Coordinate with local health officials. Once learning of a COVID-19 case in someone who has been in the school, immediately notify local health officials. These officials will help administrators determine a course of action for their child care programs or schools.
- Dismiss students and most staff for 2-5 days, if advised. This initial short-term dismissal allows time for the local health officials to gain a better understanding of the COVID-19 situation impacting the school. This allows the local health officials to help the school determine appropriate next steps, including whether an extended dismissal duration is needed to stop or slow further spread of COVID-19.

Local health officials' recommendations for the scope (e.g., a single school, multiple schools, the full district) and duration of school dismissals will be made on a case-by-case basis using the most up-to-date information about COVID-19 and the specific cases in the community.

During school dismissals after a positive test, the district will:

- Cancel extracurricular group activities, school-based afterschool programs, and large events (e.g., assemblies, spirit nights, field trips, and sporting events) shall also be canceled.
 - Discourage staff, students, and their families from gathering or socializing anywhere. This includes group child care arrangements, as well as gathering at places like a friend's house, a favorite restaurant, or the local shopping mall.
 - Communicate with staff, parents, and students. Coordinate with local health officials to communicate dismissal decisions and the possible COVID-19 exposure.
 - This communication to the school community should align with the communication plan in the school's emergency operations plan.
 - Plan to include messages to counter potential stigma and discrimination.
 - In such a circumstance, it is critical to maintain confidentiality of the student or staff member as required by the Americans with Disabilities Act and the Family Education Rights and Privacy Act.
 - Clean and disinfect thoroughly.
 - Close off areas used by the individuals with COVID-19 and wait as long as practical before beginning cleaning and disinfection to minimize potential for exposure to respiratory droplets. If possible, open outside doors and windows to increase air circulation in the area. wait up to 24 hours before beginning cleaning and disinfection.
 - Cleaning staff should clean and disinfect all areas (e.g., offices, bathrooms, and common areas) used by the ill persons, focusing especially on frequently touched surfaces.
-

Appendix F

Critical Area of Operation #6 - Contact Tracing

The Rutherford School District nursing staff and administrative team will communicate and work collaboratively with the Borough of Rutherford Health Department as it relates to contact tracing of positive COVID-19 cases by students and/or staff. Upon learning of a positive diagnosis, the Health Department will be contacted immediately as advised by the guidelines provided by both the Department of Education and the CDC.

When the district becomes aware that a student or staff member who has been in one or more of the school buildings tests positive for Covid 19, the district shall immediately notify local health officials, staff, and families of the confirmed case – while maintaining confidentiality.

The school nurse and administrator(s) will assist the local Board of Health with contact tracing by making records of groups/cohorts, assigned staff members, and daily attendance available – adhering to the FERPA and HIPPA guidelines.

Remittance to schools will be consistent with policies developed by the Borough of Rutherford Department of Health in response to positive Covid 19 cases.

Appendix G

Critical Area of Operation #7 - Facilities Cleaning Practices

Disinfecting

The district will adhere to existing Rutherford Maintenance Department cleaning procedures. In addition to those already rigorous procedures, the department will:

- follow the cleaning schedule developed by the district's custodial and maintenance consultant, Edvocate - School Support Solutions.
 - consult *Guidance for Cleaning and Disinfecting* from the CDC list of acceptable sanitizing solutions and procedures (The district uses Hillyard products which are on the EPA's list of acceptable products.)
 - maintain an adequate supply of cleaning supplies, including hand sanitizers, gloves, face coverings, to allow for two month supply.
 - disinfect during the school day for touchpoints. This includes but is not limited to:
 - phones
 - door handles
 - light switches
 - physical education equipment
 - classroom entrance ways/transom
 - hallway/stairwell banisters and handrails
 - restroom flushing handles and sink handles
 - desk surfaces
 - disinfect classrooms, isolation areas, and the nurse's office frequently during the day.
 - wipe down any items that may be shared among students with appropriate sanitizing wipes or disinfecting spray. Proper dwell time as per product guidelines will be maintained.
 - schedule additional custodians when possible and as needed.
 - provide each classroom with appropriate disinfecting materials so that desks can be sanitized between classes (when one group of students is leaving and another one is entering).
 - provide each classroom with appropriate disinfecting materials so that desks can be sanitized both before and after eating.
 - clean all surfaces when the school day has concluded using soap or cleaning solution followed by sanitizer.
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- spray a sanitizing disinfectant throughout the building when the school day has concluded. It will be administered using an atomizer and given the proper dwell time as recommended by the manufacturer.
- sanitize outdoor playground equipment.
- limit the hours that each school building can be used once the school day has been concluded. This will allow ample time to clean and disinfect the schools. The hours will be determined by the building principal in conjunction with the Maintenance Department.
- train all custodial maintenance staff on the proper cleaning and sanitizing procedures.
- provide notification to all faculty/staff about cleaning and sanitizing procedures.

HVAC Cleaning Practices

- Classroom windows should be opened as often as possible when weather permits in order to allow for fresh air.
 - All outside damper units regularly circulate in outside air at a minimum of 10%. They will be adjusted depending on outside conditions.
 - All HVAC systems will be controlled remotely to ensure proper ventilation and air exchange.
 - The district has a preventative maintenance plan in place for all equipment. It will be updated to include additional tasks for more frequent cleaning of the interior of HVAC materials.
 - The district will follow the manufacturer's recommendations for the replacement of unit air filters.
 - High touch areas of HVAC and other building service systems will be disinfected regularly.
 - The interior of refrigerated devices (where the virus can potentially survive for longer periods of time) will be disinfected regularly.
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Appendix K

Academic, Social, and Behavioral Supports

Response to Intervention Services

- In appropriate grade levels, building based assessments (i.e. DRA, Linkint, IXL) will be conducted at the principal's discretion as necessary.
- In appropriate grade levels, RTI instructional time will be pushed into classes to support instruction and as remote lessons with small groups.
- In appropriate grade levels, RTI committees will continue to meet as prescribed by the building principal and/or the RTI committee at each building.
- In appropriate grade levels, RTI Tier 3 meetings with parents will take place remotely with goal setting and progress updates.
- In appropriate grade levels, teachers will work together in departmental Professional Learning Committees (PLCs) and grade level teams to determine and identify any possible gaps in curriculum, content and skills.

Remote Instruction

- Students receiving remote instruction will use a mix of synchronous and asynchronous instruction.
- Synchronous instruction may include, but is not limited to:
 - live real time face-to-face instruction through Google Meet
 - live real time face-to-face instruction through Zoom
 - live real time communication through Google Classroom and district email
- Asynchronous instruction may include, but is not limited to:
 - self guided lessons
 - streaming video content
 - pre-recorded teacher-created lectures
 - note taking
 - online diagnostic tools

Interventions

- For Phase 1 ESL teachers will provide small instruction classes when possible and/or remote lessons via Zoom.
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- For Phase 1, Title One tutoring classes, where applicable, will be offered at the end of the school day (3.00 PM) and will be virtual.

Enrichment classes

- When possible in Phase 1, Enrichment classes (in appropriate grade levels) such as Gifted and Talented (G&T) instruction will be pushed into classes and/or held remotely depending on the nature of the building schedule. G&T teachers will also serve as push in RTI support as needed.

Specialists

- For Phase 1, stand alone services (i.e. speech, OT, PT) may be offered remotely or with one-one meeting time with social distance compliance.

SEL

- Guidance and Student Assistance Counselors (SAC) will provide Social Emotional Learning (SEL) supports for students and parents with frequent check ins. Counselors will conduct meetings, call parents and students, email, and communicate with staff on an ongoing basis to follow up with students who are struggling academically and socially.
 - Guidance/SAC/CST counselors will meet with students in person following social distance protocol and/or via Zoom to assist with academic/social/emotional support and organizational strategies. Emphasis will be placed on anxiety and stress related factors as students re-enter a physical learning environment.
 - Guidance and support will be provided for students' families as they re-enter a physical learning environment. Examples include:
 - virtual parent workshops/webinars and support sessions
 - online resources provided to families
 - frequent communication by teachers and counselors
 - guidance supports with individual or small group sessions
 - Counselors will provide SEL support for staff as they re-enter a physical learning environment in which frequent check ins and online support and resources will be readily available for all staff members as needed.
 - Staff will participate in SEL webinars and/or virtual workshops as needed or required.
 - SEL activities will be conducted to re-engage students and staff, and create connections to bridge into a meaningful foundation for academic learning. Activities will be building specific. Examples may include:
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- scheduling time to create a positive classroom community
 - engaging in class discussion
 - sharing thoughts, feelings, and questions
 - reflecting on topics, experiences, situations
 - scheduling brain breaks incorporated throughout the day
 - Considerations for SEL Planning include planning activities for daily Community Time, planning ways to incorporate SEL throughout the school day and sharing virtual activities connected to SEL.
 - SACs will explore various screening tools to be used to assess the mental well being of students.
 - SACs will review procedures and key points for staff to assess student mental well being as a screening tool.
 - Administrators, school nurses, CST, SACs, guidance counselors and teachers will work together to support struggling students. All parties will have increased communication upon return to school.
 - Online application resources may be utilized to allow for frequent parent and student communication.
 - Tier 2 student social emotional support resources will be provided for students who are identified at risk for mental health issues and/or substance abuse. Supports will include individual counseling and/or small group sessions (either in-person or remote) by SACs and school social workers.
 - Tier 3 student social emotional supports will be provided for students identified as needing mental health and/or substance abuse interventions. District supports will continue to be consulted and utilized such as Bergen Promise and Care Plus.
 - Staff and administration will attend to social-emotional supports as they transition back to school. Staff typically spend a few days building a classroom community while introducing their courses. For this year, staff will extend and expand community-building experiences for in-person and remote instruction.
 - SEL implementation and strategies will be stressed and implemented in each building. Strategies and implications will be specific and appropriate to each buildings' student body. All SEL competencies will be focused on and addressed prior to the start of school and will continue through Phase 1 and beyond. SEL is the process of developing and using the knowledge, attitudes, and skills that help youth and adults to:
 - Understand and manage emotions
 - Set and achieve positive goals
 - Feel and show empathy for others
 - Make responsible decisions
 - Social and emotional competencies help all students:
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- Deeply engage with academic content
 - Recognize and build on their strengths/assets
 - Participate in respectful dialogue
 - Resolve conflict peacefully
 - Advocate for themselves, their families, and their communities
- The SEL Competencies are:
 - **Self-Awareness**: the ability to recognize one's emotions and know one's strengths and limitations
 - **Self-Management**: the ability to regulate and control one's emotions and behaviors, particularly in stressful situations
 - **Social Awareness**: the ability to take the perspective of others, demonstrate empathy, acknowledge and appreciate similarities and differences, and understand how one's actions influence and are influenced by others
 - **Relationship Skills**: the ability to demonstrate prosocial skills and behaviors in order to develop meaningful relationships and resolve interpersonal conflicts
 - **Responsible Decision-Making**: the ability to use multiple pieces of information to make ethical and responsible decisions
- Educator Resources for reinforcing connections though in-person and remote instruction will be readily available for all staff members for SEL planning and incorporation into the classroom/school climate.

Additional Supports

- The Rutherford School District will provide a free and reduced lunch for students who qualify for the service. The lunch will be a grab and go bagged lunch. Students have the option of bringing their own bagged lunch from home. This plan is further discussed in Appendix H.
 - Before-care and after-care child care services may be provided in grades K-6, pending a survey of parents and their request for services needed. The survey will be sent out to families to gather information on family needs for the service.
 - Guidance counselors and teachers will work collaboratively on a plan for students struggling academically. SACs and teachers will work collaboratively on a plan for students struggling emotionally.
 - The CST and teachers will work together for students who require additional supports. CST will monitor students' IEPs, grades and attendance. Additionally, CST will hold meetings with parents remotely as needed.
 - Counselors (guidance, CST) will monitor student grades and school attendance. They and appropriate staff (teachers, counselors, administrators, CST or SAC) will contact parents
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via phone, email or Zoom for discussion and intervention as needed. Counselors will hold meetings with families remotely as needed.

- Speech therapists will hold one-on-one or small group sessions as appropriate maintaining CDC social distance requirements. They may also hold remote instruction. Speech therapists will complete reports, email parents with suggested activities and conduct meetings remotely with families as needed.
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Appendix N

Scheduling of Students

The Rutherford Public Schools consists of the following locations:

- Lincoln School - Grades PK, K, 1, 2, and 3.
 - Grade K students are housed at a separate building (The Lincoln School Annex) referred to as the Kindergarten Center.
- Washington School - Grades PK, 1, 2, and 3
- Pierrepont School - Grades 4, 5, and 6
- Union School - Grades 7 and 8
- Rutherford High School - Grades 9, 10, 11, and 12

The district's core goal is to bring all students to school as much as possible while preserving the safety of all students and staff in the school environment. After a thorough evaluation of all health and safety guidelines, input from various stakeholders, and an evaluation of the needs of our students and families, it has been determined that all district schools will resume instruction in September. Parents wishing to enroll their child into a fully remote model also have the option to do so.

The following schedules have been developed.

Kindergarten Center

Kindergarten will be a half-day for students with morning (AM) and afternoon (PM) sessions. When regulations allow, the district will return to full-day kindergarten.

AM Drop-Off	8:20 a.m. - 8:30 a.m.
AM session	8:30 a.m. - 11:00 a.m.
Common Planning	11:05 a.m. - 11:30 a.m.
Lunch	11:30 a.m. - 12:15 p.m.
PM Drop-Off	12:20 p.m. - 12:30 p.m.
PM session	12:30 p.m. - 3:00 p.m.

Modifications will be made to special classes (art, music, etc...) as needed. Physical education will meet for the required amount of meeting time.

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Lincoln School/Washington School

Pre-K

Students in pre-kindergarten programs will follow the normal daily schedule.

Integrated Pre-K 3

- Maintain regular schedule
- Drop-off at 9:00 a.m.
- Dismissal at 11:30 a.m.

Integrated Pre-K 4

- Maintain regular schedule
- Drop off at 12:30 p.m.
- Dismissal at 3:00 p.m.

Pre-K ABA

- Maintain regular schedule
- Drop off at 9:00 a.m.
- Dismissal at 2:30 p.m.

Grade Kindergarten LLD

- Drop-off 8:50 a.m. - 9:05 a.m.
- Dismissal 2:15 p.m.

Grades 1-3

Students in grades 1-3 will attend school for a full day, five days a week. Each room has been measured to ensure proper social distancing will be maintained.

A staggered schedule will be implemented in order to limit the number of students entering and exiting buildings at the same time, minimize and control vehicular traffic, improve efficiency of the drop-off lane, and provide a best-case scenario for parents who have children attending different buildings. In addition, this will provide grade level teachers with common prep time.

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Grade 1

- Common Planning 8:20 a.m. - 8:50 a.m.
- Drop-off 8:50 a.m. - 9:05 a.m.
- Dismissal 2:45 p.m.

Grade 2

- Drop-off 8:35 a.m. - 8:50 a.m.
- Dismissal 2:30 p.m.
- Common planning 2:40 p.m. - 3:10 p.m.

Grade 3

- Drop-off 8:20 a.m. - 8:35 a.m.
- Dismissal 2:15 p.m.
- Common planning 2:30 p.m. - 3:00 p.m.

Specialists will teach an approximately 30-minute class period and will push into the classroom to ensure minimal movement between rooms. Changes will be made to the lunch schedule which will allow for proper social distancing. Physical education and recess will be provided.

Fully Remote Model

- Parents wishing to enroll their students in the fully remote model, must request to do so by August 14, 2020. The district will develop a form to ensure consistency and gather reporting information for state reports.
 - Once enrolled in the fully remote model, students must remain so until the end of Phase 1 (October 16, 2020).
 - Parents wishing to change their students from the fully remote model must request to do so by October 1, 2020. The district will develop a form to ensure consistency and gather reporting information for state reports.
 - The length of the fully remote model will be a minimum of four hours.
 - If necessary, the district will determine if an IEP meeting or amendment to the IEP will be needed for any students enrolled in the fully remote model.
 - Students in the fully remote model will receive a mix of asynchronous and synchronous instruction.
 - Synchronous instruction may include, but is not limited to:
 - live real time face-to-face instruction through Google Meet
 - live real time face-to-face instruction through Zoom
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- live real time communication through Google Classroom and district email
- Asynchronous instruction may include, but is not limited to:
 - self guided lessons
 - streaming video content
 - pre-recorded teacher-created lectures
 - note taking
 - online diagnostic tools

Technology

All K-3 teachers are assigned a district-issued laptop for use at home and at school. Each student in grades 1-3 has a district-issued chromebook for use during the school day. Should the district at any point move to all remote learning, students will bring their district-issued chromebook home and kindergarten students will be assigned a chromebook for use at home. The district utilizes an Internet content filter that is in compliance with the federally mandated Children's Internet Protection Act (CIPA). All Chromebooks have all Internet activity protected and monitored by the District. While the District provides Internet content filtering both on and off campus, parents/guardians should monitor student Internet use when off campus and at home. There are four staff members who provide teacher and family support and are tech liaisons from the school to the district IT Office. Any student who remains on full-day remote instruction will be provided with a district-issued chromebook if requested.

Pierrepont School/Union School/Rutherford High School

Hybrid Model

Due to enrollment, building size and classroom size, as well as the daily academic schedule, scheduling at Pierrepont School, Union School, and Rutherford High School will be a hybrid model, a combination of in-person and remote instruction.

Students will be divided into 2 cohorts — *Bulldog* and *Blue*. The *Bulldog* cohort will attend in-person instruction on Tuesday and Thursday. The *Blue* cohort will attend in-person instruction on Monday and Wednesday. Fridays will alternate week-to-week and/or be used to balance the number of in-person days for each cohort to ensure equity.

In-person instruction will follow a one-session day schedule.

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On days that the cohort is not in the school building, students will log in for lessons via distance learning. All students in grades 4-12 will be issued a district-owned Chromebook for use in school and at home. Teachers are issued district-owned laptops for use at school and at home.

Students in grades 4-12 who are in a self-contained special education program and students in the Bulldog Academy at Rutherford High School (the district's 18-21 year old program) will attend school for a full-day schedule, five days a week. This will allow our most vulnerable students to benefit from in-person, direct instruction and is consistent with the programming needs of these students. Additionally, these class sizes are smaller and can properly social distance.

In grades 4-6, teachers will travel and students will remain in their classrooms. The only exception is Physical Education.

In grades 7-12, students will move through a rotating block schedule with social distance protocols being observed. There will be no lunch period for students in grades 4-12. All teachers will teach their contracted teaching assignments, perform a supervisory duty (if part of their schedule), have a duty-free lunch, and will work in the school building until the end of the contracted school day. During that time, teachers will engage in:

- scheduled virtual office hours to connect with students/provide extra help
- co-planning with PLCs
- synchronous instruction
- development of asynchronous instruction

On days when hybrid students are not in school, their remote instruction will use a mix of synchronous and asynchronous instruction.

- Synchronous instruction may include, but is not limited to:
 - live real time face-to-face instruction through Google Meet
 - live real time face-to-face instruction through Zoom
 - live real time communication through Google Classroom and district email
 - Asynchronous instruction may include, but is not limited to:
 - self guided lessons
 - streaming video content
 - pre-recorded teacher-created lectures
 - note taking
 - online diagnostic tools
-

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Fully Remote Model

- Parents wishing to enroll their students in the fully remote model, must request to do so by August 14, 2020. The district will develop a form to ensure consistency and gather reporting information for state reports.
- Once enrolled in the fully remote model, students must remain so until the end of Phase 1 (October 16, 2020).
- Parents wishing to change their students from the fully remote model to the hybrid model must request to do so by October 1, 2020. The district will develop a form to ensure consistency and gather reporting information for state reports.
- Students in the fully remote model will receive a mix of asynchronous and synchronous instruction.
- The length of the fully remote model will be a minimum of four hours.
- If necessary, the district will determine if an IEP meeting or amendment to the IEP will be needed for any students enrolled in the fully remote model.

Technology

All grade 4-12 teachers are assigned a district-issued laptop for use at home and at school. Each student has a district-issued chromebook for use at home and at school. The district utilizes an Internet content filter that is in compliance with the federally mandated Children's Internet Protection Act (CIPA). All Chromebooks have all Internet activity protected and monitored by the District. While the District provides Internet content filtering both on and off campus, parents/guardians should monitor student Internet use when off campus and at home. There are four staff members (Technology Integration Specialists) who provide teacher and family support and are tech liaisons from the school to the district IT Office. Any student who remains on full-day remote instruction will be provided with a district-issued chromebook.

Special Notes:

Physical Education

- All State-mandated Physical Education requirements will be met.
 - Students will not change for Physical Education classes as locker rooms will be closed.
-

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- Individualized activities to maximize distancing (i.e. exercise, meditation, yoga) will be stressed.
- Individual ball handling/equipment used must be pre- and post-disinfected and hand washing/sanitizing protocols will be implemented.
- PE will be held outdoors to the extent possible.
- Students can bring their own supplies from home when possible. Supplies can be differentiated to allow a focus on skill building (i.e. hand eye coordination).
- All windows will be open in the gymnasium when feasible.
- Focus can be placed on personal health, fitness, and wellness to eliminate the need for contact sports.

Band/Music

During Phase 1, students will not sing or play instruments in music classes.

- K-3 General Music: Students can use various instruments to focus on learning rhythm. Students can hum as opposed to sing.
- 4-6 General Music: Activities focusing on music history, music appreciation, listening, analyzing, and critiquing will be stressed.
- 7-12 Band/Chorus
 - When meeting in the classrooms, activities focusing on music history, music appreciation, listening, analyzing, and critiquing will be stressed.
 - When meeting remotely, students can film themselves putting singing/playing into action using apps such as FlipGrid.
 - Individual and small group lessons will be conducted remotely.

Electives

- Sharing of supplies will be limited or sanitized between use (i.e art materials, cooking materials, communal sewing machines, keyboards in computer labs).
- The eating of food prepared in foods classes will be eliminated.
- Gloves as an extra safety precaution will be used when feasible.
- Flipped classroom experiences for labs and hands-on activities will be used when feasible.

Internet Access

- Families that do not have Internet access will be asked to contact the district.
-

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- The district will work in collaboration with the Rutherford Public Library to provide portable hotspots.
- The following networks are available for families, and families will be provided with the proper username and password:

When they search for Wi-Fi available in their PC/MAC/Laptop/Chromebooks:

If they find: Xfinity - connection credentials will be provided

If they find AT&T Wi-Fi - connection credentials will be provided

Otherwise: They can use their cell phones as hotspots with the following carriers for free or at reduced cost with higher speed for 60 days.

- Verizon: <https://www.verizonwireless.com/support/covid-19-faqs/#hotspot>
- AT&T : <https://www.att.com/support/article/wireless/KM1009376/>
- T-Mobile: <https://www.t-mobile.com/support/plans-features/smartphone-mobile-hotspot-wi-fi-sharing--tethering>

They also can qualify for low-cost internet from FCC and get internet from Xfinity, AT&T, Verizon, FIOS at \$9.99/ month

<https://www.fcc.gov/general/lifeline-program-low-income-consumers>

Link to Comcast/Xfinity: <https://www.xfinity.com/support/articles/comcast-broadband-opportunity-program>

Link to AT&T: <https://www.att.com/home-phone/lifeline/>

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Appendix O

Staffing

Teachers and Teacher Assistants

All faculty and staff will be assigned to their normal schedule. There will be adjustments in responsibilities based on the schedule for students. All aspects of the collective bargaining agreement regarding contractual hours, non-student contact time, and instructional time assignments will be in effect.

Grades Pre-K and 1-3

- Teachers will work their regular schedule. Staggered start and dismissal times will provide some additional time to prepare their classroom for the students.
- A duty free lunch will be provided. Lunch aides will be assigned to monitor students in the classroom.
- Co-teaching will continue.
- Some specialists with dual certification may be reassigned as general education teachers and specialized rooms will be converted for additional grade level sections.
- In grades 1-3, art, music, science, library/media, enrichment, and spanish will be held as a 'push in' model. Students will only leave the classroom for physical education and recess.
- To address remote learning, a district wide teacher for each grade level, if feasible, will be assigned as the virtual instructor. The need and feasibility of this is to be determined as student return numbers are made known.
- Teacher assistants will follow their normal assignments, but may be utilized in various locations as scheduling dictates.
- Teacher assistants may lead small group instruction to ensure social distancing.
- Teacher assistants may assist in developing virtual instructional materials.

Kindergarten

- Teachers and teacher assistants will follow the split session schedule that was in effect prior to the 2014 school year.
 - Teachers and teacher assistants will prepare any remote lesson that may be required.
 - Teachers and teacher assistants will assist with arrival and dismissal to ensure social distancing.
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Grades 4-12

- Teachers will follow a one-session schedule.
- Student contact time, prep time, and administrative time will follow contract guidelines.
- The lunch period for faculty will be at the conclusion of the one-session day.
- In the afternoon, teachers will be assigned office hours in order for students in the remote cohort (either students who are scheduled to be home that day or students who are totally remote) to contact them through email or Google Meet/Zoom.
- In the afternoon, teachers will also be assigned time to prepare virtual lessons. They may choose to create a mix of synchronous and asynchronous learning experiences for their students.
- Teachers and teacher assistants in the self-contained special education classes and the Bulldog Academy will follow their normal schedule for a full day as their students will be in school for a full day, five days a week. Any need for remote learning will take place in consultation among the teacher, teacher assistant, and case manager.
- Teacher assistants may be utilized as needed by classroom teacher and/or building administration.

Club Advisors, Activity Directors, Athletic Coaches

- Will follow the guidelines detailed in Appendix J and Appendix P.

Non-Instructional Certificated and Non-Certificated Staff – PK-12

- All non-instructional certificated staff will perform their normal duties to serve the students. When meeting with students they will follow social distancing guidelines and use proper PPE if social distancing is not feasible. They can also utilize video conferencing, where applicable..
 - In addition to their normal daily duties:
 - Nurses
 - will ensure that all screening protocols are properly carried out
 - will ensure that all protocols are followed if a student or staff member becomes ill.
 - Guidance Counselors, CST members, and Student Assistance Counselors
 - will monitor the attendance, progress, and social emotional learning of remote students.
 - Library /Media Specialists
 - will provide resources to assist both in-person and remote learners
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- Therapists and Learning Specialists
 - will develop remote sessions as needed

Non Certificated /Non-Instructional Staff

- All non-certificated and non-instructional certificated staff will perform their normal duties to serve the students, faculty, and staff in their assigned buildings. They will follow social distancing guidelines and use proper PPE.
- In addition to their normal duties:
 - Secretaries
 - will record attendance for remote cohorts and remote students.
 - will conduct normal attendance checks for all students.
 - Lunch aides
 - will be reassigned to Washington School or Lincoln School to provide lunch coverage in those buildings.
 - will cover the self contained classes. One lunch aide will be assigned to each Pierrepont, Union, and Rutherford High School.
 - Courtesy bus aides will be reassigned to other bus routes or as a lunch aide, if needed.
 - Day time custodial coverage will be increased through the use of Aramark employees, if needed.
 - Bus drivers will sanitize their bus between trips.
 - Maintenance staff will assist in sanitizing as needed.
 - The IT department will ensure that remote learning is running smoothly.

Administrators/Supervisors/Directors

- In addition to their normal duties, administrators, supervisors and directors will:
 - provide guidance, training and, when feasible, collaborative time for teachers to develop effective classroom and remote strategies for instruction.
 - develop schedules for students while taking into account the strain a hybrid schedule may place on families and make accommodations when feasible.
 - effectively and fairly monitor plans for high risk students, faculty, and staff.
 - provide frequent communication to students, faculty, staff and parents
 - monitor health trends in district, county and state.
 - assess the efficacy of the schedule and meet with other administrators and the superintendent to revise as needed according to the phase schedule.
 - monitor students progress.
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- meet frequently with the Pandemic Response Team, SCIP Committee, and the PTA/PTSA.

Substitute Teachers

- Substitute teachers will be screened in the same manner as all students and staff.
- Substitute teachers will be provided with any required PPE.
- Substitute teachers will be given guidance (both in writing and verbally) regarding social distancing, PPE requirements, and any other COVID-19 related information.

Mentoring, Professional Development, Student Growth Objectives, Teacher and Staff Evaluation

- The district's Mentoring Plan has been approved. All new teachers who need a mentor will be provided with a mentor.
 - New Teacher Orientation will take place in August. Plans are being made to provide a hybrid model.
 - All PDP requirements pursuant to J.A.C. 6A:9C-4 remain in effect.
 - All educators must develop a PDP for the 2020-2021 school year no later than October 31, 2020.
 - At the end of the 2019-20 school year, educators receiving an NE can also begin creating a PDP for the 2020-21 school year.
 - In developing SY 20-21 PDPs, the following requirements will be adhered to:
 - Teachers:
 - One goal can be a continuation of a 2019-20 goal linked to results from individual performance evaluations from SY 2018-19 or derived from SY 2019-20 observations completed prior to building closures.
 - One goal can be linked to an SY 2020-21 district, school, team or individual goal.
 - School Leaders:
 - One goal can be a continuation of a 2019-20 goal linked to results from individual performance evaluations from SY 18-19 results or derived from SY 19-20 observations completed prior to building closures.
 - One goal must address SY 20-21 specific individual, school, or school district goals.
 - Student Growth Objectives
 - The expectation is that Student Growth Objectives will be required.
 - The District is awaiting confirmation and more details from the NJDOE.
 - Teacher and Staff Evaluation
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- The District will plan to follow the normal teacher and staff evaluation schedule.
- The District is awaiting confirmation and more details from the NJDOE.

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ADMINISTRATION

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Remote Learning Options for Families

July 20

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[See POLICY ALERT No. 221]

1648.02 REMOTE LEARNING OPTIONS FOR FAMILIES

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

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

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

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

A. Unconditional Eligibility for Full-time Remote Learning

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



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ADMINISTRATION

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Remote Learning Options for Families

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

B. Procedures for Submitting Full-time Remote Learning Requests

1. A parent may request a student receive full-time remote learning from the school district by submitting a written request to the Principal of the school building their child would attend. The written request shall be provided to the Principal at least five calendar days before the student is eligible to commence full-time remote learning in accordance with B.2. below.
2. The student may only begin full-time remote learning at the beginning of each phase as indicated in reopening plan or within five days after receiving written approval of the Principal or designee.
3. The written request for the student to receive full-time remote learning shall include:
 - a. The student's name, school, and grade;



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



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- a. In the event the request does not satisfy the procedures outlined in this Policy, the Principal or designee will notify the parent in writing of the issues that need to be addressed by the parent to satisfy the procedures outlined in this Policy.
- 6. The Principal's written approval of the request shall be provided to the parent within five calendar days of receiving the parent's written request.
 - a. The written approval will include the date the remote learning program will commence for the student in accordance with B.2. above.
- C. Scope and Expectations of Full-Time Remote Learning
 - 1. The scope and expectations of the school district's full-time remote learning program will include, but not be limited to, the following:
 - a. The length of the school day pursuant to N.J.A.C. 6A:32-8.3 and compliance with the Board's Attendance Policy and Regulation 5200; the provisions of the district's remote learning program outlined in the school district's Plan; and any other Board policies and regulations that govern the delivery of services to, and district expectations of, students participating in the remote learning program and their families;
 - b. The technology and the connectivity options to be used and/or provided to the student during remote learning; and
 - c. Any additional information the Principal or designee determines is needed to ensure the student, when receiving remote learning, will receive the same quality and scope of instruction and other educational services as any other student otherwise participating in school district programs (i.e. students participating in a hybrid model).



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- (1) This includes, for example, access to standards-based instruction of the same quality and rigor as afforded all other students of the district, the district making its best effort to ensure that every student participating in remote learning has access to the requisite educational technology, and the provision of special education and related services to the greatest extent possible.
 - d. The school district will endeavor to provide supports and resources to assist parents, particularly those of younger students, with meeting the expectations of the school district's remote learning option.
- D. Procedures to Transition from Full-Time Remote Learning to In-Person Services
 1. A parent may request their student transition from full-time remote learning to in-person services, if in-person services are being provided, by submitting a written request to the Principal of the building the student will attend. This request must be submitted at least ten calendar days before the student is eligible for in-person services.
 2. A student is only eligible to transition from full-time remote learning to in-person services commencing at the beginning of the school year, at the beginning of each phase as indicated in the reopening plan, or within five school days after receiving written approval of the Principal or designee.



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3. The written request from the parent for the student to transition from full-time remote learning to in-person services shall include:
 - a. The student's name, school, and grade;
 - b. The in-person program may only commence for a student transitioning from full-time remote learning to in-person services in accordance with D.2. above; and
 - c. Any additional information the Principal or designee determines would be important on the student's transition from full-time remote learning to in-person services.
4. A student previously approved for remote learning wanting to transition into the school district's in-person program must spend at least one phase of the school year as indicated in the reopening plan.
 - a. This will allow parents to make the arrangements needed to effectively serve students' home learning needs and will support educators in ensuring continuity of instruction for the student.
5. The Principal or designee will review the request for compliance with this Policy, and upon satisfaction of the procedures in this Policy, will provide the parent of the student a written approval of the student entering the school district's in-person program.



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- a. In the event the request does not satisfy the procedures outlined in this Policy, the Principal or designee will notify the parent in writing of the issues that need to be addressed by the parent to satisfy the procedures outlined in this Policy.
 6. Upon approval of the student's transition from full-time remote learning to in-person services, the school district will provide specific student and academic services to better assist parents anticipate their student's learning needs and help educators maintain continuity of services.
 7. School districts that offer Pre-K will consult their Pre-K curriculum providers regarding appropriate measures to assess a Pre-K student's learning progress during the transition from full-time remote learning to in-person learning.
- E. Reporting
1. To evaluate full-time remote learning, and to continue providing meaningful guidance for school districts, it will be important for the New Jersey Department of Education (NJDOE) to understand the extent and nature of demand for full-time remote learning around the State.
 - a. The school district will be expected to report to the NJDOE data regarding participation in full-time remote learning. Data will include the number of students participating in full-time remote learning by each of the following subgroups: economically disadvantaged; major racial and ethnic groups; students with disabilities; and English learners.
- F. Procedures for Communicating District Policy with Families
1. The school district will have clear and frequent communication with parents, in their home language, to help ensure this important flexibility is as readily accessible as possible. Communication must include, at a minimum, information regarding:



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- a. Summaries of, and opportunities to review, the school district's full-time remote learning Policy/Plan;
- b. Procedures for submitting full-time remote learning requests in accordance with B. above;
- c. Scope and expectations of full-time remote learning in accordance with C. above;
- d. The transition from full-time remote learning to in-person services and vice-versa in accordance with B. and D. above; and
- e. The school district's procedures for ongoing communication with families and for addressing families' questions or concerns.

G. Home or Out-of-School Instruction

1. No provision of this Policy supersedes the district's requirements to provide home or out-of-school instruction for the reasons outlined in N.J.S.A. 18A, N.J.A.C. 6A, or any applicable Board policy unless determined otherwise by the Superintendent or designee.

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

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

Adopted:





SUMMARY STATEMENT

P1648.02 – Remote Learning Options for Families (M) (New)

On July 24, 2020, the New Jersey Governor and Commissioner of Education published guidance titled “Clarifying Expectations Regarding Fulltime Remote Learning Options for Families 2020-2021” (Remote Learning Guidance), regarding full-time remote learning. The Remote Learning Guidance is in response to the COVID-19 pandemic and supplements the New Jersey Department of Education June 26, 2020 guidance document, “The Road Back: Restart and Recovery Plan for Education” (NJDOE Guidance). This Remote Learning Guidance includes an additional “anticipated minimum standard,” as this phrase is used throughout the NJDOE Guidance. This additional “anticipated minimum standard” (required component) provides that, in addition to the methods and considerations explicitly referenced in the NJDOE Guidance for scheduling students for in-person, remote, or hybrid learning, families/guardians (hereinafter referred to as “parents”) may submit, and school districts shall accommodate, requests for full-time remote learning.

To ensure clarity and consistency in implementation of such full-time remote learning, the Remote Learning Guidance requires Boards of Education adopt policies that address, at a minimum:

1. Unconditional Eligibility for Full-Time Remote Learning;
2. Procedures for Submitting Full-Time Remote Learning Requests;
3. Scope and Expectations of Full-Time Remote Learning;
4. Procedures to Transition from Full-Time Remote Learning to In-Person Services;
5. Reporting; and
6. Procedures for Communicating District Policy with Families.

Policy Guide 1648.02 has been developed to address the provisions in the Remote Learning Guidance, including all six areas listed above. Policy Guide 1648.02 must be adopted by the Board.

The Remote Learning Guidance requires school districts to provide a process for a parent to request full-time remote learning which shall be included in a school district’s Restart and Recovery Plan (Plan) in addition to the required methods and considerations explicitly referenced in the NJDOE Guidance for scheduling students for in-person, remote, or hybrid learning. Therefore, in addition to the Board adopting Policy Guide 1648.02, Policy Guide 1648.02 must be added to the school district’s Plan submitted to the Executive County Superintendent.

Policy Guide 1648.02 is **MANDATED**