

## AGENDA - REGULAR PUBLIC MEETING

JUNE 13, 2016

1. Call to Order
2. Salute to the Flag
3. **Fire Emergency Announcement:** In accordance with N.J.A.C. 5:70-3.1, please note that the fire/emergency exit is located to the left as you leave the Board Conference room. If that exit is blocked, proceed through the Board Office to the rear fire exit.
4. Roll Call
5. Presiding Officer's Meeting Notice Statement
6. Acknowledge the CDW Track Team in the Board of Education Conference Room at 8p.m.
7. Public Hearing on Meeting Agenda
8. President's Report/Correspondence
9. Superintendent's Report
10. Board Secretary's Report
11. Committee Reports
12. Board Discussion and Formal Action on Agenda Business
  - Board Operations
  - Human Resources
  - Student Resources
  - Physical Resources
  - Finance & Budget
13. Public Hearing on Other Than Meeting Agenda
14. Unfinished Business
15. New Business
16. Adjournment

Please Note: It may be necessary, from time to time, to remove or make changes in a motion(s) between the time this agenda is prepared and when the Board takes action. This will be accomplished by a removal or change in the motion and noted on the Errata and Change sheet, or will be announced by the Board President at the start of the meeting.

**I. BOARD OPERATIONS/POLICY**  
**Ms. Melissa Del Rosso**

**JUNE 13, 2016**

Any Board member who takes exception to any of the following listed actions under the category of Board Operations/Policy may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, that the following Board Operations/Policy actions of the Board, as recommended by the Superintendent, number 168 through 175 be approved.

Roll Call:

168. that the Board approve and adopt the following schedule listed below:

The Board resolves to meet, in executive (Non-Public) session, on the dates and for the purposes listed on the schedule. The minutes of these sessions will be disclosed to the public when the need for confidentiality no longer exists. Formal action may be taken by the Board at any public meeting, including Work Sessions.

<b>Date</b>	<b>Time</b>	<b>Location</b>	<b>Type</b>	<b>Agenda</b>
6/13/2016	6:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.	Conference Rm	P.M.	Acknowledgements
	Immediately Following	Conference Rm	P.M.	Regular Business
6/27/2016	7:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business
7/18/2016	7:00 p.m.	Conference Rm.	E.S.	Personnel/Legal
	8:00 p.m.		P.M.	Regular Business

169. that the Board approve the minutes and attachments of the May 23, 2016 Regular Public Meeting and Executive Session I. **(attached)**

170. that the Board approve the 2<sup>nd</sup> reading of the following revised Policies: **(attached)**

5120	Assessment of Individual Needs
5131	Conduct/Discipline
5131.2	Harassment, Intimidation and Bullying
6142.12	Career Education
6147.1	Evaluation of Individual Student Performance
6171.4	Special Education

171. that the Board approve the 1<sup>st</sup> reading of the following revised Policies **(attached)**

6142.2	English As A Second Language: Bilingual Programs
6144	Controversial Issues
6164.2	Guidance Services

172. that the Board acknowledge the School Business Administrator’s listing of all contracts the Old Tappan Board of Education intends to renew, award or permit to expire during the school year, previously awarded by the Old Tappan Board of Education, pursuant to P.L. 2015, Chapter 47, Assembly No. 1499. **(attached)**

173. that the Board acknowledge the following School Bus Evacuation Drill:

1. Date: May 27, 2016
2. Time of Day Drill Conducted: 8:50 a.m. to 12:20 p.m.
3. School Names: T. Baldwin Demarest Elementary and Charles DeWolf Middle School
4. Location of Drill: Interschool Road (private road between both schools)
5. Route Numbers: All students participated, inclusive of Routes #1 and #2
6. Supervisor of Drill: Sabatino Lauriello, Physical Education Teacher

174. that the Board acknowledge the members of the 2016 Charles DeWolf Middle School TrackTeam:

WHEREAS,	the Old Tappan Board of Education believes that a positive sports program helps children learn basic athletic skills, builds self-esteem and confidence, along with developing social skills; and
WHEREAS,	the Charles DeWolf Middle School Track Team coached by Head Coach Matt Westervelt and Assistant Coach Karen Muti, who instilled in their athletes the desire to put forth their best effort, that hard work has its rewards, and the importance of team work; and
WHEREAS,	the 2016 Charles DeWolf Track Team won the Golden Knights Invitational Track Meet for the thirteenth consecutive season crowning the team as the “Best in the Valley”; Now, therefore be it
RESOLVED,	that the Old Tappan Board of Education recognizes and congratulates Coaches Westervelt and Muti and the members of the 2016 Northern Valley Track Champions, for their outstanding season, dedication and passion for the sport.

175. that the Board approve the following resolution regarding employee travel:

WHEREAS,	The Board of Education believes that selective travel and conference participation results in increased growth, keeps the administration, staff, and the Board informed about modern practices and trends, contributes to professional development and maintains and enhances the District's standing; and
WHEREAS,	<b>Dr. Laura Sullivan</b> , Supervisor of Instruction for Curriculum and Educational Technology, will be attending the workshop " <i>Ramsey Google Summit</i> ", on July 13, 2016, at Ramsey High School, Ramsey NJ; and
WHEREAS,	for District employees, the attendance at this conference has either been previously approved in writing by the Superintendent and/or is provided for in the employee's current employment agreement, as work related and within the scope of his/her work responsibilities; and
WHEREAS,	the attendance at the function will promote delivery of instruction or will further enhance the efficient operation of the school district, is fiscally prudent, directly relates to and within the scope of this employee's and/or board member's current responsibilities, and is directly related to their professional development; and
WHEREAS,	<p>the anticipated travel and related expenses particular to attendance at this function are as follows:</p> <p>Conference registration = \$269.00                      Hotel = N/A                      Actual miles driven at the prevailing State Mileage rate (currently \$.31 per mile) = actual cost of mileage                      Tolls = actual cost of tolls                      Parking = actual parking cost                      Meals &amp; incidentals = N/A (amount per the US General Services Administration website for conference location); now, therefore be it</p>
RESOLVED,	that the Board approves <b>Dr. Sullivan's</b> attendance at the aforementioned conference as well as the related travel expenses.

**II. HUMAN RESOURCES**  
**Mr. John Shahdanian**

**JUNE 13, 2016**

Any Board member who takes exception to any of the following listed actions under the category of Human Resources may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, that the following Human Resource actions of the Board, as recommended by the Superintendent, number 152 through 180 be approved.

Roll Call:

152. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Clark, Doris	Gender Matters: How Boys and Girls Learn OL-738	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

153. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Clark, Doris	What Great Teachers Do OL-855	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

154. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
DeSciora, Annette	Holocaust and Human Behavior SOC5010-771	3	Abbreviated	University of Colorado - Colorado Springs	August 8, 2016 - August 12, 2016

**EXPLANATION:** This class will be meeting as part of a seminar at Montclair State University and is associated with the Facing History and Ourselves Grant award.

155. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Dockendorf, Kristin	Assignment Homework: Where, When & Why? OL-5045	3	On-Line	Colorado State University Pueblo – Learner's Edge	July 1, 2016 - November 15, 2016

**II. HUMAN RESOURCES****(Cont'd)****JUNE 13, 2016**

156. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Dockendorf, Kristin	A Moving Body, A Thinking Brain OL-5853	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

157. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Mukaida, Maraid	Holocaust and Human Behavior SOC5010-771	3	Abbreviated	University of Colorado - Colorado Springs	August 8, 2016 - August 12, 2016

**EXPLANATION:** This class will be meeting as part of a seminar at Montclair State University and is associated with the Facing History and Ourselves Grant award.

158. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Park, Helen	Technology: Byte-Size, Big Learning OL-5061	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

159. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Park, Helen	Unlocking Informational Text: Keys to Engagement OL-5848	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

160. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Rosini, Diane	Assignment Homework: Where, When & Why? OL-5045	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

**II. HUMAN RESOURCES****(Cont'd)****JUNE 13, 2016**

161. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Rosini, Diana	A Moving Body, A Thinking Brain OL-5853	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

162. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Vollmin, Lauren	Brain Based Teaching and Learning EDIN560- 409	3	Abbreviated	College of New Jersey Regional Training Center	July 11, 2016 - July 19, 2016

163. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Wang, Lacey	Assignment Homework: Where, When & Why? OL-5045	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

164. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Wang, Lacey	A Moving Body, A Thinking Brain OL-5853	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

165. that the Board approve the following course approval:

<b>Teacher</b>	<b>Course</b>	<b>Credits</b>	<b>Type</b>	<b>School</b>	<b>Dates</b>
Wortmann, Christina	Assignment Homework: Where, When & Why? OL-5045	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

166. that the Board approve the following course approval:

Teacher	Course	Credits	Type	School	Dates
Wortmann, Christina	A Moving Body, A Thinking Brain OL-5853	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

167. that the Board approve the following course approval:

Teacher	Course	Credits	Type	School	Dates
Wrynn, Susan	A Moving Body, A Thinking Brain OL-5853	3	On-Line	Colorado State University Pueblo - Learner's Edge	July 1, 2016 - November 15, 2016

168. that the Board authorize Ms. Danielle Da Giau, Superintendent, to sign the agreement (along with the other Region III Superintendents) with West Bergen Mental Healthcare, Ridgewood, NJ, as a Region III approved outside evaluator for the 2016-2017 school year.

169. that the Board approve the 2016-2017 Summer Research and Development Projects and Professional Development Learning Strand, as recommended by the Superintendent. **(attached)**

170. that the Board approve up to five days over the summer, for select Special Education teachers, to attend Child Study Team meetings, on an as needed basis. Each employee will be compensated at their 2015-2016 contractual rate.

171. that the Board approve the hiring of part-time summer custodial/maintenance help at a rate of \$12 per hour as follows:

Name	Assignment
LaFronz, Brett	District
Litchfield, Evan	District
Litchfield, William	District

172. that the Board approve the hiring of part-time summer clerical help at a rate of \$12 per hour, for no more than 40 hours total, as follows:

Name	Assignment
Neustein, Debbie	TBD



**II. HUMAN RESOURCES****(Cont'd)****JUNE 13, 2016**

173. that the Board approve the hiring of part-time summer clerical help at a rate of \$12 per hour, for the Summer Enrichment Workshop Program, as follows:

<b>Name</b>	<b>Assignment</b>
Klimaszewski, Suzanne	CDW

174. that the Board approve up to 15 hours, over the summer, for Jenni Richardson, Guidance Counselor, to work on student schedules for the 2016-2017 school year.

175. that the Board approve the Summer Kindergarten Intervention Program (SKIP) for the weeks of 7/25/2016-7/28/2016 and 8/1/2016-8/4/2016, from 8:30 a.m. to 11:30 a.m.

176. that the Board approve the following staff for the "SKIP" program:

<b>Name</b>	<b>Hours</b>
Goodman, Dorothy	Instructor (24 hours as per negotiated contract)
Neustein, Debbie	Assistant (24 hours as per instructional aide pay rate)

177. that the Board approve the following teachers for the Summer School Program at the Charles DeWolf Middle School:

<b>Name</b>	<b>Hours</b>
Johnson, Daniel	60 Hours
Westervelt, Matthew	60 Hours

178. that the Board approve the following teachers for the Summer Enrichment Workshops Program at the Charles DeWolf Middle School:

<b>Name</b>	<b>Name</b>
Allen, Denise	Mueller, Kristina
Capilli, Matthew	Ottomanelli, Kristine
Gulko, Aaron	Rosolanko, Nicholas
Johnson, Daniel	Sammarco, Paul
Kuizema, Douglas	Suriano, Janet
Lauriello, Sabatino	Westervelt, Matthew
Mercogliano, Stephanie	

179. that the Board approve the following as a new hire, pending proof of criminal history background check and physical examination, for the 2015-2016 school year, as recommended by the Superintendent:

<b>Name</b>	<b>Position</b>	<b>Rate</b>
Quevedo, Hugo	Part-Time Computer Technology Assistant (no benefits)	\$17.50 per hour

180. that the Board approve the following resolution:

WHEREAS,	the Old Tappan Board of Education (hereinafter referred to as the “Board”) approved merit action plans for the Superintendent for the 2015-2016 school year consisting of three (3) quantitative merit criteria and two (2) qualitative merit criteria and submitted same to the Executive County Superintendent for approval in accordance with N.J.A. 6A-3.1(e) 10-11 (hereinafter referred to as “Merit Bonus Goals”); and
WHEREAS,	on or about October 7, 2015, the Executive County Superintendent approved the said Merit Bonus Goals, thereby authorizing the Board to evaluate and award Merit Bonus increases to the Superintendent upon achievement of each objective; and
WHEREAS,	the Board has evaluated the Superintendent’s performance and determined that she achieved the objective of initiating Parent Workshops/Meetings. Four (4) evening programs were held with parents where they learned about school initiatives, technology, and/or current issues and trends in education; thereby, entitling her to a quantitative Merit Bonus; and
WHEREAS,	the Board has evaluated the Superintendent’s performance and determined that she achieved the objective of launching a social media feed on the District’s website. This supports communication with members of the school community by highlighting announcements, celebrating District accomplishments, and circulated at least four (4) District Newsletters; thereby, entitling her to a quantitative Merit Bonus; and
WHEREAS,	the Board has evaluated the Superintendent’s performance and determined that she achieved the objective of initiating a “Visionary Team”, inclusive of teachers and administrator(s). They reviewed current middle school practices, researched, visited, and toured schools. At least two (2) ideas were developed into action plans and were folded into the middle school’s Blueprint for Growth and presented to the Board; thereby, entitling her to a quantitative Merit Bonus; and
WHEREAS,	the Board has evaluated the Superintendent’s performance and determined that she achieved the objective of developing a digital Staff Handbook, which included general information, procedures for various District operations, schedules, forms and supporting documents; thereby entitling her to a qualitative Merit Bonus; and
WHEREAS,	the Board has evaluated the Superintendent’s performance and determined that she achieved the objective of leading the efforts, with the aid of the middle school principal, to develop a draft Program for Study for Grades 5-8, which includes an explanation of course offerings and an overarching position of middle school beliefs; thereby, entitling her to a qualitative merit bonus; now, therefore be it
RESOLVED,	that the Board hereby approved the aforementioned Merit Bonus for the 2015-2016 school year subject to the approval by the Executive County Superintendent and that the quantitative and qualitative merit criteria for each of the Board assessed objective have been satisfied for the payment of such Merit Bonus.

**EXPLANATION:** This Resolution is required for Ms. Da Giau's submission to the Department of Education – Bergen County Office.

**III. STUDENT DEVELOPMENT**  
**Mr. John Shahdanian**

**JUNE 13, 2016**

Any Board member who takes exception to any of the following listed actions under the category of Student Development may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, that the following Student Development actions of the Board, as recommended by the Superintendent, number 19 through 21 be approved.

Roll Call:

19. that the Board approve the following Curriculum Guides revised in 2016, as approved by the Northern Valley Office of Curriculum and Instruction:

- K-12 Comprehensive Health/Physical Education
- K-12 English as a Second Language (ESL)
- K-12 English Language Arts
- K-12 Library/Media
- K-12 Mathematics
- K-12 Music
- K-12 Next Generation Science
- K-12 Social Studies
- K-12 Technology
- K-12 Visual Arts
- K-12 World Language

20. that the Board approve home instruction for Student #1 beginning on 5/25/2016, on an as needed basis, with terms pursuant to Board Policy #6173 "*Home Instruction*".
21. that the Board approve the Summer School Program at the Charles DeWolf Middle School for the month of July, 2016.

**IV. PHYSICAL RESOURCES**  
**Ms. Nicole Gray**

**JUNE 13, 2016**

Any Board member who takes exception to any of the following listed actions under the category of Physical Resources may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, that the following Physical Resources actions of the Board, as recommended by the Superintendent, number 44 through 44 be approved.

Roll Call:

44. that the Board approve the submittal of the application for Toilet Room Facilities for Early Intervention, Pre-Kindergarten and/or Kindergarten Classrooms (rooms 109 and 111) at the T. Baldwin Demarest Elementary School. Both rooms lack lavatory facilities.  
**(attached)**

**V. FINANCE & BUDGET**  
**Mr. Kurt Linder**

**JUNE 13, 2016**

Any Board member who takes exception to any of the following listed actions under the Category of Finance & Budget may so indicate now and a separate motion for each of the excepted actions will be entertained.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_, that the following Finance & Budget actions of the Board, as recommended by the Superintendent, number 174 through 184 be approved.

Roll Call:

174. that the Board approve payment of the following vendor bill list (as detailed in the list attached to the agenda of this meeting), including adjustments to previously approved bill payments. The School Business Administrator/ Board Secretary is authorized to release the warrants for payments of **Supplemental Accounts Payable** bills that required payment between the May 23, 2016 and June 13, 2016 Old Tappan Board of Education meetings, in the amount of **\$128,398.98** for the current expense. **(attached)**
175. that the Board approve payment of the following vendor bill list (as detailed in the list attached to the agenda of this meeting), including adjustments to previously approved bill payments. The School Business Administrator/ Board Secretary is authorized to release the warrants for payments of **June, 2016** bills in the amount of **\$219,510.38** for the current expense. **(attached)**
- 176 that the Board approve the Contract for Services Agreement with the School Physician, Nancy Rothenberg, MD, 215 Old Tappan Road, Old Tappan, New Jersey, for the period July 1, 2016 through June 30, 2017.
177. that the Board approve an agreement between JSL Consulting (Janet Lobsenz), 3316 Vintage Drive, Round Rock, Texas, and the Board for maintenance of the Old Tappan Policy and Regulations Manual for the period July 1, 2016 through June 30, 2017.
178. that the Board approve the service agreement with Honeywell International Inc., 115 Tabor Road, Morris Plains, New Jersey, to provide Instant Alert Parent Notification Service for the period July 27, 2016 through July 26, 2017.
179. that the Board approve a service contract with Jersey State Controls, 1105 Industrial Parkway, Brick, New Jersey, for the period August 1, 2016 through July 31, 2017.
180. that the Board approve the contract with Education, Inc., 2 Main Street, Plymouth, Massachusetts, to provide educational instruction services, on an as needed basis at a rate of \$45 per hour, for the 2015-2016 school year.
181. that the Board approve the contract with Princeton HealthCare System, One Plainsboro Road, Plainsboro, New Jersey to provide educational instruction services, on an as needed basis at a rate of \$65 per hour, for the 2015-2016 school year.
182. that the Board approve AFLAC to provide Section 125 Flexible Spending Account (FSA) program services to the District.

183. that the Board authorize payment of educational tuition and/or transportation for the following pupils for the 2015-2016 school year:

Student	Facility Location	Tuition/Cost	Transportation
456	Valley Program (NVHS)	\$8,401.81 (pro-rated partial year)	To be determined
514	Valley Program (NVHS)	\$11,633.31 (pro-rated partial year)	To be determined
515	Valley Program (NVHS)	\$11,633.31 (pro-rated partial year)	To be determined

184. that the Board authorize Douglas Barrett, School Business Administrator/Board Secretary, to approve payment for the following bills:

Direct Energy

**EXPLANATION:** As the next scheduled Board Meeting is June 27, 2016, there are certain bills that must be paid to avoid penalty or disruption of essential services.

## RESOLUTION

WHEREAS, Chapter 231 of the Public Laws of 1975 known as the "Open Public Meetings Act" and also known as the "Sunshine Law" permits the holding of a private meeting to which the public is not invited for the purpose of permitting the discussion of various exempted matters after the adoption of a Resolution setting forth the general nature of the subject matter to be discussed, and as precisely as possible, the time when the circumstances under which the discussion conducted in the closed session can be disclosed to the public.

NOW, THEREFORE, BE IT RESOLVED that the Old Tappan Board of Education convene at the time and place hereinafter set forth for a private executive session to which the public is not invited to discuss the following general subject matters:

1. Matters which are confidential by federal law, state statute or rule of court.
2. Matters in which the release of information would impair a right to receive United States Government funds.
3. Matters which would constitute an unwarranted invasion of individual privacy.
4. Matters involving any collective bargaining agreement, the terms and conditions proposed for inclusion and the negotiation of same.
5. Matters involving the purchase, lease or acquisition of property with public funds, the setting of banking rates or investment of public funds where the public's interest could be adversely affected.
6. Matters involving tactics and techniques used for protecting the safety and property of the public, as well as investigations of violations or possible violations of the law.
7. Any pending or anticipated litigation or contract negotiations, other than collective negotiations, in which the public body is or may become a party.
8. Matters falling within the attorney/client privilege.
9. Matters relating to personnel involving employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body.
10. Matters involving the quasi-judicial deliberations of a public body that may result in the imposition of a specific civil penalty or the suspension or loss of a license or permit as a result of an act or omission for which the party bears responsibility.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Old Tappan Board of Education will disclose to the public the minutes of this session when the need for confidentiality no longer exists.

BE IT FURTHER RESOLVED that the private executive session aforementioned takes place in the Conference Room at the Charles DeWolf Middle School forthwith.

Motion to move into Executive Session at \_\_\_\_\_ p.m.

Moved by \_\_\_\_\_ 2nd by \_\_\_\_\_

Meeting Adjourned \_\_\_\_\_

### **ASSESSMENT OF INDIVIDUAL NEEDS**

Each student shall be assessed upon entrance into the District's schools and beginning in grade three shall be assessed annually thereafter to identify students not meeting District proficiency levels.

The Superintendent shall develop procedures to implement a program of individual student needs assessment that shall include but not be limited to:

- A. Identifying District needs as the basis for development of mandated goals; development of staff inservice programs; selecting and approving instructional materials; staffing;
- B. Identifying and determining the needs of:
  - 1. Gifted and talented students;
  - 2. Students performing at proficient levels to determine potential strengths and weaknesses
  - 3. Disruptive students;
  - 4. Disaffected students;
  - 5. Potential dropouts;
  - 6. Students who require basic skills improvement programs;
  - 7. Students with limited English proficiency;
  - 8. Students who may require formal referral to the child study team for classification;

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

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

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

#### **Dyslexia Assessment**

***“Dyslexia” means a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other***



**ASSESSMENT OF INDIVIDUAL NEEDS (continued)****Dyslexia Assessment (continued)**

***cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge (N.J.A.C. 6A:14-1.3).***

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

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

<b><u>Legal References:</u></b> <u>N.J.S.A.</u> 18A:7A-10	Evaluation of performance of each school
<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the Core Curriculum Content Standard
<u>N.J.A.C.</u> 6A:8-4.1 <u>et seq.</u>	Implementation of the Statewide Assessment System
See particularly: <u>N.J.A.C.</u> 6A:8-4.1(d), -4.3(c)(d), -4.4	
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
See particularly: <u>N.J.A.C.</u> 6A:14-3.3, 3.4, 3.8, 4.11, 4.12	
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
See particularly: <u>N.J.A.C.</u> 6A:15-1.3, -1.10, -1.11	
<u>N.J.A.C.</u> 6A:16-8.1	Establishment of intervention and referral services
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-2.1	Definitions
<u>N.J.A.C.</u> 6A:32-4.3(g)4	Evaluation of tenured and nontenured Superintendents
<u>N.J.A.C.</u> 6A:32-4.4(f)4	Evaluation of tenured teaching staff members
<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services

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

<b><u>Cross References:</u></b> *1100	Communicating with the public
*1120	Board of Education meetings
*2240	Research, evaluation and planning
4010	Goals and objectives
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5111	Admission
5119	Transfers
*5124	Reporting to parents/guardians
*5125	Student records
*6010	Goals and objectives
*6141	Curriculum design/development
*6142.2	English as a second language; bilingual/bicultural
*6146	Graduation requirements

**ASSESSMENT OF INDIVIDUAL NEEDS (continued)**

**Cross References: (continued)**

*6146.2	Promotion/retention
*6147	Standards of proficiency
*6147.1	Evaluation of individual student performance
*6160	Instructional services and resources
6161	Equipment, books and materials
*6161.1	Guidelines for evaluation and selection of instructional materials
*6164.2	Guidance services
*6164.4	Child study team
*6171.1	Remedial instruction
*6171.2	Gifted and talented
*6171.3	At-risk and Title 1
*6171.4	Special education
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

**Key Words**

Student Assessment; Assessment of Individual Needs, Dyslexia, Reading Disability

Approved: April 28, 2008

Revised:

### CONDUCT / DISCIPLINE

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

The Old Tappan Board of Education expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

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

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, and for the consequences of their misbehavior. Staff members who interact with students shall use preventive disciplinary action and place emphasis on the students' ability to grow in self-discipline.

The Board directs the Superintendent of Schools to develop and implement a Code of Student Conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions, and as appropriate, conduct away from school grounds. The Board shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools. Board policy requires each student of this District to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The Superintendent of Schools shall provide to students and their parents/guardians the rules of this District regarding student conduct and the sanctions that may be imposed for breach of those rules. These rules must provide for consideration of all relevant circumstances in determining punishments.

Provisions shall be made for informing parents/guardians whose primary language is other than English.

***The Superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.***

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

**CONDUCT / DISCIPLINE (continued)**

The regulations that implement this policy shall provide appropriate recognition for students who consistently maintain high standards of self-discipline and good citizenship. In developing the standards, policies and procedures to implement this policy, the Superintendent shall ensure that the Code of Student Conduct is:

- A. Based on parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Based on locally determined and accepted core ethical values;
- C. Board approved.

The regulations shall:

- A. Require that students conform to reasonable standards of behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority;
- B. Establish the degree of order necessary to the educational program in which students are engaged.

The Board will annually review and update the Code of Student Conduct and this process shall include:

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

The Superintendent of Schools shall annually:

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

Students who display chronic behavioral or academic problems may be referred to the child study team by the Superintendent of Schools for possible identification as disruptive or disaffected. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Students so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended or expelled, following due process. Additionally, if the Superintendent or his/her designee determines that the student presents a danger to himself/herself or others, the District shall require the student to undergo a mental health assessment finding that the student is no longer a danger to himself or others before resuming attendance at school

**CONDUCT / DISCIPLINE (continued)**

Any student who is guilty of continued and willful disobedience, of open defiance of the authority of any teacher or person having authority over him/her, 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 following due process.

Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, any of the following:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over him
- C. Conduct of such character as to constitute a continuing danger to the physical well-being of other students;
- D. Physical assault upon another student;
- E. Taking, or attempting to take, personal property or money from another student, or from his presence, by means of force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by any school District or used for school purposes, and/or failure to leave such school or other facility promptly after having been directed to do so by the Principal or other person then in charge of such building or facility;
- H. Incitement which is intended to and does result in unauthorized occupation by any group of students or others of any part of a school or other facility owned by the school District or used for school purposes;
- I. Incitement which is intended to and does result in truancy by other students;
- J. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises;
- K. Smoking in school or on school grounds as defined in policy 3515 Smoking Prohibition;
- L. Possession of remotely activated paging device in any part of any school or other building owned by any school District or used for school purposes, unless authorized.

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

**Assault**

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a Board member, teacher, administrator or other employee of the Old Tappan Board of Education, or another student or any other person on any property used for school purposes shall be suspended from school immediately according to procedural due process, and suspension or expulsion

**CONDUCT / DISCIPLINE (continued)****Assault (continued)**

proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

**Substance Abuse**

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia on school property or at a school function. The penalties shall be graded according to the severity of the offense. Students who are substance abusers shall be subject to disciplinary action. Infractions shall be reported to the local law enforcement agency in accordance with the District's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

**Weapons Offenses**

Any student who commits an assault with a weapon upon a Board member, teacher, administrator or other employee of the Old Tappan Board of Education, or another student or any other person in all places where such students are within the jurisdiction of the Board shall be immediately removed from the school's regular education program for a period of not less than one calendar year. Any student who is convicted or adjudicated delinquent for possession of a weapon or a crime while armed with a firearm, or is found knowingly in possession of a firearm on school property, at any school-sponsored function, or on a school bus shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Superintendent of Schools may modify this suspension on a case-by-case basis.

Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Board. The hearing shall take place no later than 30 calendar days following the day the student is removed from the regular education program and shall be closed to the public.

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

The Superintendent of Schools shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the commissioner of education.

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

**Harassment, Intimidation or Bullying**

The Old Tappan Board of Education expects individuals to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying including threats sent by or acts committed by electronic communication. Like other disruptive or violent behaviors, this conduct interferes with an individual's ability to learn and a school's ability to educate its students in a safe environment. See policies 5131.2 Harassment, Intimidation and Bullying and 5131.10 Threats Sent Via Modern Technology.

**Disabled Students**

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

**CONDUCT / DISCIPLINE (continued)****Disabled Students (continued)**

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

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

**Policy and Procedure Development, Review and Dissemination**

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

***This policy shall be reviewed annually and updated along with the Code of Student Conduct. This process shall include:***

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

***The Superintendent shall annually:***

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

**Implementation**

The Superintendent of Schools shall ensure that the rules for this policy are applied consistently, and that all disciplinary sanctions are carried out with necessary due process. At a public meeting the Superintendent of Schools shall, on an annual basis, provide the Board of Education with a numerical summary of all out-of-school suspensions, expulsions and removal of students for violations of student conduct.

The Old Tappan Board of Education shall review all related policies on a regular basis.

<b><u>Legal References:</u></b>	<b><u>N.J.S.A. 2A:4A-60 et al.</u></b>	Disclosure of juvenile information; penalties for disclosure
	<b><u>N.J.S.A. 2C:12-1</u></b>	Definition of assault
	<b><u>N.J.S.A. 2C:33-19</u></b>	Paging devices, possession by students
	<b><u>N.J.S.A. 2C:39-5</u></b>	Unlawful possession of weapons
	<b><u>N.J.S.A. 18A:6-1</u></b>	Corporal punishment of students
	<b><u>N.J.S.A. 18A:11-1</u></b>	General mandatory powers and duties
	<b><u>N.J.S.A. 18A:36-19a</u></b>	Newly enrolled students; records and identification
	<b><u>N.J.S.A. 18A:25-2</u></b>	Authority over students

**CONDUCT / DISCIPLINE (continued)****Legal References: (continued)**

<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Discipline of Students
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:37-15	
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 18A:54-20	Powers of Board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsion
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to support student development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.4, -1.5, -4.1, -5.1, -6.1, -6.2	
<u>N.J.A.C.</u> 6A:32-12.1	Reporting Requirements
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

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

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

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

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

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

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

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

<b>Cross References:</b>	*1220	<u>Ad hoc</u> advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/	Staff development; inservice education/visitation conferences
	4131.1	
	4148	Employee protection
	*4231/	Staff development; inservice education/visitation conferences
	4231.1	
	4248	Employee protection
	5000	Concepts and roles in student personnel
	5010	Personal goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion
	*5124	Reporting to parents/guardians
	*5127	Commencement activities
	5131.1	Sexual Harassment
	5131.2	Harassment, intimidation and bullying
	*5131.5	Vandalism/violence
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	5131.10	Threats sent via modern technology
	5132	Dress and grooming
	5145	Rights



**CONDUCT / DISCIPLINE (continued)**

**Cross References: (continued)**

5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Student grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

**Key Words**

Conduct, Discipline, Student Conduct, Student Conduct, Weapons, Vandalism, Harassment

Approved: April 28, 2008

Revised: September 22, 2008, January 25, 2016

## **HARASSMENT, INTIMIDATION AND BULLYING**

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

### Definitions:

"Harassment, intimidation, or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents that takes place on school property, at any school sponsored function, going to and/or from school, on a school bus or off school grounds as provided for in N.J.S.A. 18A:37-15.3 that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A. Is reasonably perceived to be motivated by an actual or perceived characteristic, including but not limited to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental, physical or sensory disability; or by any other distinguishing characteristic; and
- B. A reasonable person should know, under the circumstances, that the act(s) will have the effect of *physically or emotionally* harming a student or damaging a student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- C. Involves persistent and blatant exclusion from peer groups during school hours or during school-related activities; or
- D. Has the effect of insulting or demeaning any student or group of students; or
- E. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.
- F. "Electronic Communication" means a communication transmitted by means of an electronic device, including but not limited to a telephone, cellular phone, or pager.

Acts of harassment, intimidation, or bullying may also involve a student exercising power and control over another student, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

### Policy adoption and distribution

A policy on harassment, intimidation and bullying shall be adopted through a process that includes representation of parents/guardians, school employees, volunteers, students, administrators and community representatives. It shall be posted on the District's website as well as the website of each school with direct links on the school and District home pages to the

**HARASSMENT, INTIMIDATION AND BULLYING (continued)****Policy adoption and distribution** (continued)

policy. The policy shall be reviewed annually and shall be distributed annually to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled in a school in the School District, along with a statement explaining that the policy applies to all acts of harassment, intimidation and bullying, that occur on school property, at school-sponsored functions or on a school bus and, as appropriate, acts that occur off school grounds.

Notice of the District's policy shall appear in the student handbook and all other publications of the School District that set forth the comprehensive rules, procedures and standards for schools within the School District.

The name, school phone number, school address and school email address of the District Anti-Bullying Coordinator shall be listed on the home page of the District's website. Each school's website home page shall list the name, school phone number, school address and school email address of the school anti-bullying specialist and the District's Anti-Bullying Coordinator. The information concerning the District Anti-Bullying Coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

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

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

~~A copy of the policy on harassment, intimidation and bullying shall be transmitted to the Executive County Superintendent no later than September 1, 2011.~~

**Training**

The Superintendent and the Principals shall provide training on the School District's harassment, intimidation, or bullying policies to school employees, contracted service providers and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in the statutes and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying. The School District's employee training program shall include information regarding the School District policy against harassment, intimidation or bullying, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students.

The Superintendent shall develop and implement a process for annually discussing the School District policy on harassment, intimidation and bullying with students. The Superintendent and the Principals shall annually conduct a re-evaluation, reassessment, and review of the harassment, intimidation and bullying policy, with input from the school anti-bullying specialists, and recommend revisions and additions to the policy as well as to harassment, intimidation and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review. All policy revisions shall be transmitted to the Executive County Superintendent.

**HARASSMENT, INTIMIDATION AND BULLYING (continued)****Expected Behavior**

Consistent with their levels of development, maturity and demonstrated capabilities, students are expected to conduct themselves with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment, consistent with the student code of conduct.

Standards for student behavior must be set cooperatively through interaction among the legal guardians, school administrators, school employees, school volunteers, and community members, to produce an atmosphere that encourages student growth in self-discipline. The development of this atmosphere requires respect for self and others, as well as for School District and community property on the part of students, staff, and community members.

Students are expected to behave in a manner that creates a supportive learning environment for themselves and others. The Board believes the best discipline is self-imposed, and it is the responsibility of School District staff to use instances of violation of the Code of Student Conduct as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply the best practices designed to prevent discipline problems and to encourage students' abilities to grow in self-discipline.

General guidelines for student conduct will be developed by the Superintendent, in conjunction with school staff, volunteers, and appropriate community organizations and approved by the Board. These guidelines will be developed based on accepted core ethical values from broad community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, students and administrators. These guidelines for student conduct will be suited to the age level of the students and the mission and physical facilities of the individual schools in the District. This policy requires all students in the District to adhere to these rules and guidelines and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules and guidelines. The District prohibits active and passive support of harassment, intimidation, or bullying. Students are encouraged to:

- A. Walk away from acts of harassment, intimidation and bullying when they see them and report the acts to a responsible adult;
- B. Constructively attempt to stop acts of harassment, intimidation and bullying;
- C. Provide support to students who have been subjected to harassment, intimidation and bullying; and
- D. Report acts of harassment, intimidation and bullying to the designated school staff.

Students are required to conform to reasonable standards of socially acceptable behavior, respect the person, property and rights of others, obey constituted authority, and respond to School District teaching, support, and administrative staff. The Old Tappan Board of Education expects individuals to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying, including threats sent by or acts committed by electronic communication. Each School Principal will develop and provide a school-based program for appropriate recognition of positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

The Superintendent will provide annually to students and their parent(s) or legal guardian(s) the rules of the District regarding student conduct, students' due process and other rights. Sanctions and due process for violations of the Code of Student Conduct will also be distributed

**HARASSMENT, INTIMIDATION AND BULLYING (continued)**Expected Behavior (continued)

annually to students and their parent(s) or legal guardians(s). This policy will appear in all publications of the School District's comprehensive rules, procedures, and standards of conduct for schools within the District, including student handbooks. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

Consequences and Appropriate Remedial Action for a Person Who Commits an Act of Harassment, Intimidation or Bullying

The Old Tappan Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, consistent with the Code of Student Conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.14.

## Factors for Determining Consequences:

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

## Factors for Determining Remedial Measures:

Personal and environmental factors are as follows:

## Personal:

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

## Environmental:

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;

**HARASSMENT, INTIMIDATION AND BULLYING (continued)****Consequences and Appropriate Remedial Action for a Person Who Commits an Act of Harassment, Intimidation or Bullying (continued)**

6. Social-emotional and behavioral supports;
7. Community activities;
8. Social relationships;
9. Neighborhood situation; and
10. Family situation.

**Examples of Consequences and Appropriate Remedial Measures:**

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and must be consistent with the Board's approved Code of Student Conduct and N.J.A.C. 6A:16-7. Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation or bullying.

The consequences and remedial measures may include, but are not limited to, the examples listed below:

**Examples of Consequences:**

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Reports to law enforcement or other legal action;
10. Expulsion; and
11. Bans from providing services, participating in school-District sponsored programs or being in school buildings or on school grounds.

**Examples of Remedial Measures:**

Personal and environmental remedial measures may include, but are not limited to:

**Personal:**

1. Restitution and restoration;
2. Peer support group;
3. Recommendations of a student behavior or ethics council;
4. Corrective instruction or other relevant learning or service experience;
5. Supportive student interventions, including participation of the Intervention and Referral Services team pursuant to N.J.A.C. 6A:16-8;
6. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
7. Behavioral management plan, with benchmarks that are closely monitored;
8. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
9. Involvement of school "disciplinarian;"

**HARASSMENT, INTIMIDATION AND BULLYING (continued)**Examples of Consequences and Appropriate Remedial Measures: (continued)

## Examples of Remedial Measures:

## Personal (continued)

10. Student counseling;
11. Parent conferences;
12. Alternative placements (e.g., alternative education programs);
13. Student treatment; or
14. Student therapy.

## Environmental (Classroom, School Building or School District):

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Adjustments in hallway traffic;
8. Modifications in student routes or patterns traveling to and from school;
9. Supervision of student before and after school, including school transportation;
10. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
11. Teacher aides;
12. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
13. General professional development programs for certificated and non-certificated staff;
14. Professional development plans for involved staff;
15. Disciplinary action for school staff who contributed to the problem;
16. Supportive institutional interventions, including participation of the Intervention and Referral Services team pursuant to N.J.A.C. 6A:16-8;
17. Parent conferences;
18. Family counseling;
19. Involvement of parent-teacher organizations;
20. Involvement of community-based organizations;
21. Development of a general bullying response plan;
22. Recommendations of a student behavior or ethics council;
23. Peer support groups;
24. Alternative placements (e.g., alternative education programs);
25. School transfers; and
26. Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

Since bystander reaction toward harassment, intimidation or bullying can support or discourage these behaviors, the Old Tappan Board of Education prohibits active or inactive support for harassment, intimidation or bullying. The Board encourages students to walk away from these acts when they see them occur, and/or to support fellow students who constructively attempt to stop these acts and/or report them to the designated school authority.

Anti-Bullying Personnel

Existing personnel and resources shall be used to fill these positions whenever possible.

The Superintendent shall appoint an Anti-Bullying Coordinator who shall:

**HARASSMENT, INTIMIDATION AND BULLYING (continued)**Anti-Bullying Personnel (continued)

- A. Be responsible for coordinating and strengthening the School District's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with District school anti-bullying specialists, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, and bullying of students in the District;
- C. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, and bullying of students;
- D. Meet at least twice annually with the individual school's anti-bullying specialists to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation and bullying in the District.
- E. Execute such other duties related to school harassment, intimidation, and bullying as requested by the Superintendent.

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

The school anti-bullying specialist shall:

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

School Safety Teams

A District shall form a school safety team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. A school safety team shall meet at least twice a year and shall consist of the Principal/designee who, if possible, shall be a senior administrator in the school and the following Principal appointees:

- A. A teacher in the school;
- B. A school anti-bullying specialist;
- C. A parent of a student in the school; and
- D. Other members to be determined by the Principal.

The school anti-bullying specialist shall serve as the chair of the school safety team. The school safety team shall:

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



**HARASSMENT, INTIMIDATION AND BULLYING (continued)**School Safety Teams (continued)

- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and/or address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and/or address harassment, intimidation, or bullying of students;
- F. Participate in the required training and other training which the Principal or the Anti-Bullying Coordinator may request;
- G. Collaborate with the District Anti-Bullying Coordinator in the collection of District-wide data and in the development of District policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the Principal or the Anti-Bullying Coordinator.

The members of a school safety team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

A parent who is a member of the school safety team shall not participate in any activities of the team which may compromise the confidentiality of a student.

Reporting

The Old Tappan Board of Education requires the principal at each school to be responsible for receiving all complaints alleging violations of this policy. All Board of Education members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged violations of this policy to the principal or the principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board of Education members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the school principal within two school days of the verbal report. The principal is required to inform the parents of all students involved in alleged incidents and, as appropriate, may discuss the availability of counseling and other intervention services.

Students, parents, and visitors are encouraged to report alleged violations of this policy to the principal on the same day when the individual witnessed or received reliable information regarding any such incident. Students, parents, and visitors may report an act of harassment, intimidation, or bullying anonymously. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.

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

**HARASSMENT, INTIMIDATION AND BULLYING (continued)**Investigation

The Old Tappan Board of Education requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the Principal or the Principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The Principal may appoint additional personnel to assist in the investigation. The investigation shall be completed and written findings submitted to the Principal as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. The school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information received after the report has been submitted to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Student Conduct has been implemented and:

- A. Provide intervention services,
- B. Establish training programs to reduce harassment, intimidation, or bullying and enhance school climate,
- C. Impose discipline,
- D. Order counseling as a result of the findings of the investigation, or
- E. Take or recommend other appropriate action.

The results of the investigation shall be reported to the Board of Education no later than the Board meeting following the completion of the investigation, along with information on any consequences imposed under the Code of Student Conduct, intervention services provided, counseling ordered, training established, discipline imposed or other action taken or recommended by the Superintendent.

Parents/ guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation in accordance with Federal and State law and regulation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the Board, in accordance with Federal and State law and regulation. The information shall include:

- A. The nature of the investigation,
- B. Whether the District found evidence of harassment, intimidation, or bullying, or
- C. Whether discipline was imposed or services provided to address the incident

A parent or guardian may request a hearing before the Board after receiving the information. The hearing shall be held within 10 school days of the request. The Board shall meet in executive session for the hearing to protect the confidentiality of the students pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq. At the hearing the Board may hear from and

**HARASSMENT, INTIMIDATION AND BULLYING (continued)**Investigation (continued)

consider information provided by the school's anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents prior to rendering a decision.

At the next regularly scheduled Board of Education meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, no later than the 90 days after the issuance of the Board's decision; and a parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group.

The Superintendent shall establish record-keeping practices that document the incidents reported and the resolution of those incidents and that create a defensible record which demonstrates the District's efforts of reduce harassment, intimidation and bullying.

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

Response to Incidents of Harassment: Intimidation or Bullying

Some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation or bullying that require a response either at the classroom, school building, School District level, or by law enforcement officials. The range of ways in which school staff will respond to an incident shall be defined by the Principal in conjunction with the school anti-bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs, as defined by the Commissioner. The Superintendent will respond to confirmed harassment, intimidation and bullying according to the parameters set forth in this Policy. Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation, or bullying range from positive behavior interventions up to and including suspension or expulsion, as permitted under New Jersey statute and code.

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance. Consequences shall be consistent with the board approved Code of Student Conduct and statute. Consequences and remedial measures shall be designed to:

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

**HARASSMENT, INTIMIDATION AND BULLYING (continued)****Response to Incidents of Harassment: Intimidation or Bullying (continued)**

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

This policy and the Code of Student Conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation or bullying occurring off school grounds when:

- The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students; and either
- A reasonable person should know, under the circumstances, that the alleged behavior will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; or
- The alleged behavior has the effect of insulting or demeaning any student or group of students; or
- The alleged behavior creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

The responses to harassment, intimidation, or bullying that occurs off school grounds shall be consistent with the Board of Education's Code of Student Conduct and other provisions of the Board's policy on harassment, intimidation, or bullying.

For every incident of HIB, the school officials must respond appropriately to the individual or individuals who committed the act. The range of responses to confirmed HIB acts should include individual, classroom, school or District responses, as appropriate to the findings from each incident.

- Individual responses may include positive behavioral interventions (e.g., peer mentoring, short-term counseling, social skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion, law enforcement report or other legal action).
- Classroom responses may include class discussions about an incident of HIB, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management.
- School responses may include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected student behavior.

**HARASSMENT, INTIMIDATION AND BULLYING (continued)****Response to Incidents of Harassment: Intimidation or Bullying (continued)**

- District-wide responses may include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs, coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement officials, faith-based organizations) and disseminating information on the core ethical values adopted by the District board of education's Code of Student Conduct.

In considering whether a response beyond the individual level is appropriate, the administrator will consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences, past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. In all instances, the District shall respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. In providing support for the victims of harassment, intimidation and bullying the District may provide:

- Counseling;
- Teacher aides;
- Hallway and playground monitors;
- Schedule changes;
- Before- and after-school supervision;
- School transportation supervision;
- School transfers;
- Therapy.

**Reprisal or Retaliation Prohibited**

The School District prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying. The District board of education prohibits a board of education member, school employee, contracted service provider who has contact with students, school volunteer or student from engaging in reprisal, retaliation or false accusation against a victim, witness, one with reliable information or any other person who has reliable information about an act of harassment, intimidation or bullying or who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal or his/her designee after consideration of the nature, severity, and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and District policies and procedures.

Acts of reprisal or retaliation can have a chilling effect on a school environment and can create an atmosphere where alleged violations of this policy are not reported. It is important to establish and maintain the norm that all suspected acts of reprisal or retaliation are taken seriously and appropriate responses are made, in accordance with the totality of the circumstances. Inconsistent applications of appropriate responses to acts of reprisal or retaliation can contribute to the culture of violence that this policy is intended to prevent.

**Consequences for False Accusation**

The Old Tappan board of Education prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying. Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying range from positive behavioral intervention up to and including suspension or expulsion, as permitted under New Jersey statute and code.

**HARASSMENT, INTIMIDATION AND BULLYING (continued)****Consequences for False Accusation (continued)**

Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students found to have falsely accused another as a means of harassment, intimidation or bullying shall be discipline in accordance with District policies, procedures, and agreements. Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students found to have falsely accused another as a means of harassment, intimidation, or bullying range from admonishment to termination of employment.

Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation, or bullying shall be determined by the The Old Tappan board of Education Principal or his/her designee, after consideration of the nature, severity, and circumstances of the act, including reports to appropriate law enforcement officials or other legal actions, removal of buildings and grounds privileges, or prohibiting contact with students or the provision of student services.

**Harassment, Intimidation and Bullying Prevention Programs**

The Old Tappan Board of Education requires the Superintendent to annually disseminate the harassment, intimidation, and bullying policy to all school employees and contracted service providers who have contact with students, school volunteers, students, and parents who have children enrolled in the District, along with a statement explaining that the policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A: 37-14, that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds. The Superintendent shall post a link to the policy that is prominently displayed on the home page of the District's website. The Superintendent shall ensure that notice of the District's policy appears in the student handbook and all other publications of the District that set forth the comprehensive rules, procedures, and standards for schools within the District.

The Superintendent shall post the name, school phone number, school address, and school email address of the District's anti-bullying coordinator on the home page of the District's website. Each principal shall post the name, school phone number, school address, and school email address of both the school's anti-bullying specialist and the District's anti-bullying coordinator on the home page of each school's website.

The Superintendent and the principals shall provide training on the District's harassment, intimidation, and bullying policies to school employees, contracted service providers, and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A: 37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying. The District's employee training program shall include information regarding the District policy against harassment, intimidation, or bullying, which shall be provided to full-time and part-time staff, contracted service providers, and school volunteers who have significant contact with students.

The Superintendent shall develop and implement a process for annually discussing the District policy on harassment, intimidation, and bullying with students. The Superintendent and the principals shall annually conduct a re-evaluation, reassessment, and review of the harassment, intimidation, and bullying policy, with input from the school's anti-bullying specialists, and recommend revisions and additions to the policy as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

**HARASSMENT, INTIMIDATION AND BULLYING (continued)**Harassment, Intimidation and Bullying Prevention Programs (continued)

- A. The School District may apply to the Commissioner of Education for additional costs due to the implementation of the relevant statutes.

Staff Development

Staff members are encouraged to become trained in skills and strategies for developing student self-discipline and to apply best practices for positive behavioral interventions. Therefore, this policy will serve as an opportunity to prepare staff to prevent and effectively intervene with instances of harassment, intimidation and bullying, as well as to use the policy as a prevention tool by explaining to students the District's expectations for their behavior, consistent with the provisions of the District's policy. For students to demonstrate preferred behaviors, it is important that they have a clear understanding of the District's expectations under the policy, the reasons for and benefits of the policy, as well as the consequences for violations of the policy.

It is mainly through explanation and dialogue with students, parents and staff that the District can clearly distinguish, for example, "friendly teasing" and "rough and tumble play" from harassment, intimidation and bullying. It is also through dialogue and discussion that the District can help students and staff discern between "telling" or responsible "reporting" (which is intended to keep someone from getting hurt) of acts of harassment, intimidation and bullying from "ratting" or "tattling." The employees of the Old Tappan School District are encouraged to use experiential learning techniques, such as role playing situations and other demonstration and modeling strategies in its information activities for students and staff.

School Reports on Harassment, Intimidation and Bullying

At a public Board of Education meeting once each semester, the Superintendent shall report on acts of violence, vandalism, harassment, intimidation and bullying that occurred during the reporting period. The report shall include:

- A. The number of reports of harassment, intimidation, or bullying,
- B. The status of all investigations,
- C. The nature of the bullying based on one of the protected categories,
- D. The names of the investigators, the type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying, and
- E. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

The information shall also be reported once during each reporting period to the Department of Education. The report must include data broken down by the enumerated categories and data broken down by each school in the District, in addition to District-wide data.

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

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with the Anti-Bullying Bill of Rights. The District shall receive a grade determined by averaging the grades of all the schools in the District. The grade received by a school and the District shall be posted on the homepage of the school's website. The grade for the District and each school of the District shall be posted on the

**HARASSMENT, INTIMIDATION AND BULLYING (continued)****School Reports on Harassment, Intimidation and Bullying (continued)**

homepage of the District's website. A link to the report shall be available on the District's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and District.

Verification of the reports on violence vandalism, and harassment, intimidation, or bullying shall be part of the State's monitoring of the District, and the State Board of Education shall adopt regulations that impose a penalty on a school employee who knowingly falsifies the report. The Board of Education shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements.

The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

The state issued report card shall include data identifying the number and nature of all reports of harassment, intimidation and bullying.

**Special Education Students**

Nothing contained in the "Anti-Bullying Bill of Rights Act shall alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special educational services and supports.

**Students with Disabilities**

Students with disabilities are subject to the same disciplinary procedures as students without disabilities and may be disciplined in accordance with their IEP. However, before disciplining a student with disabilities, it must be determined that:

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

**Week of Respect**

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" and requires Districts to observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying in accordance with the New Jersey Core Curriculum Content Standards.

**Legal References:**

N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:12-1	Definition of assault
N.J.S.A. 2C:33-19	Paging devices, possession by students
N.J.S.A. 2C:39-5	Unlawful possession of weapons
N.J.S.A. 18A:6-1	Corporal punishment of students
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A. 18A:25-2	Authority over students
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A. 18A:37-1 et seq.	Discipline of Students
See particularly: N.J.S.A. 18A:37-15	
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to support student development
See particularly: <u>N.J.A.C. 6A:16-1.4, -1.5,</u> <u>-4.1, -5.1, -6.1, -6.2</u>	



**HARASSMENT, INTIMIDATION AND BULLYING (continued)****Legal References: (continued)**

N.J.A.C. 6A:32-12.1  
 N.J.A.C. 6A:32-12.2

Reporting Requirements  
 School-level planning

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

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

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

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

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

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

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

**Cross References:**

*1220	<u>Ad hoc</u> advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
4148	Employee protection
4231/4231.1	Staff development; inservice education/visitation conferences
4248	Employee protection
5000	Concepts and roles in student personnel
5010	Personal goals and objectives for students
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
5131	Conduct/discipline
5131.1	Sexual harassment
*1220	<u>Ad hoc</u> advisory committees
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Student grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

**Key Words**

Conduct, Discipline, Student Conduct, Student Conduct, Weapons, Vandalism, Harassment

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## CAREER EDUCATION

### Career Awareness

The Board of Education believes that constructive attitudes and concepts involving the dignity of all kinds of work belong in the curriculum from the beginning grades. **Therefore, in fulfillment of the Core Curriculum Content Standards, the board shall develop and implement a comprehensive guidance and counseling system that facilitates career awareness and exploration for all students.** The Board shall ensure that educational programs shall continuously expose students to the nature of the wide variety of careers available and shall include structured learning experiences as rigorous activities, integrated into the curriculum and linked to the Core Curriculum Content Standards.

The cross-content workplace readiness standards shall be infused into the curriculum throughout the grades in age appropriate activities. The standards are:

- A. All students will develop career planning and workplace readiness skills.
- B. All students will use technology, information and other tools.
- C. All students will use critical thinking, decision-making and problem solving skills.
- D. All students will demonstrate self-management skills.
- E. All students will apply safety principles.

Safety regulations and eye protection requirements shall be met whenever a student participates in a hands-on experience where such protection is appropriate.

### Career Exploration

The Board shall develop and implement a program of career exploration that addresses District resources, community needs and student interest and instills the concept of the need for continuous learning throughout one's life.

<b>Legal References:</b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:38-36	Employment certificates to part-time students
	<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, students and visitors in certain cases
	<u>N.J.S.A.</u> 18A:54-20	Powers of Board (county vocational schools)
	<u>N.J.S.A.</u> 18A:54E-1 through -5	Business and school partnerships
	<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
	<u>N.J.A.C.</u> 6A:8-2.2	Authority for the state plan for vocational education
	<u>N.J.A.C.</u> 6A:8-3.2	Career education and counseling
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:9-1.1 <u>et seq.</u>	Professional Licensure and Standards
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9-11.2, -13.19 through -13.22	
	<u>N.J.A.C.</u> 6A:19-1.1 <u>et seq.</u>	Vocational – Technical Education Programs and

**CAREER EDUCATION (continued)**

<u>See particularly:</u>	Standards
<u>N.J.A.C. 6A:19-1.2, -2.6, -3.1,</u> <u>-5.1, -6.1, -6.7, -6.8, -10.2</u>	

**CAREER EDUCATION (continued)****Legal References: (continued)**

<u>N.J.A.C.</u> 6A:23-3.3	Method of determining tuition rates for county vocational schools
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:26-12.2, -12.5	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services
<u>New Jersey Cross-Content Workplace Readiness Curriculum Framework: A Road Map for Learning</u> , NJDOE, <a href="http://www.state.nj.us/njded/frameworks/ccwr/">http://www.state.nj.us/njded/frameworks/ccwr/</a> , Appendix B	

<b><u>Cross References:</u></b>	*3220/3230	State funds; federal funds
	*3516	Safety
	*5142	Student safety
	*5145.4	Equal educational opportunity
	*6010	Goals and objectives
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6142.2	English as a second language; bilingual/bicultural

\*Indicates policy is included in the Critical Policy Reference Manual.

**Key Words**

Career Education, Vocational-Technical Education, Workplace Readiness

Approved: January 14, 1991  
 Revised: October 17, 1991, May 16, 1992, June 9, 2008,

### **EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE**

The Board of Education believes that student progress should be measured because it is vital to educational program design and professional staff evaluation.

Each student's progress toward District goals and objectives shall be measured considering these factors:

- A. Specific educational program;
- B. Mental health;
- C. Physical capability;
- D. Level of maturity;
- E. Scholastic ability as determined by objective and subjective data;
- F. Environmental influences

Therefore, the Superintendent shall develop a program to measure student grade levels and District progress. This plan shall include:

- A. Classroom testing and grading practices that indicate both effort and mastery levels;
- B. Anecdotal records, including parent/guardian comment where appropriate;
- C. Testing programs such as standardized general achievement tests, standardized tests in specific subject areas, and test administered by other agencies (including those required by the State of New Jersey and the federal government).

#### **Grading**

The Superintendent, in consultation with the teaching staff, shall develop a marking system to be used uniformly in the same grade level. The system should be clear, easily understood by parents/guardians and students, and able to be applied with consistency of interpretation. Evaluation and grading symbols shall be intended to appraise the student's progress toward established goals, and shall be a factor in promotion/graduation decisions.

The Board of Education encourages the certified staff, under the direction of the Superintendent, to employ a comprehensive approach to the use of appraisal and evaluative techniques in monitoring student progress, including, but not limited to, written and oral teacher-made tests, performance observation, parent/guardian interviews, formal and informal evaluation techniques, use of cumulative student records, and medical examinations. Recognized standardized achievement tests may also be used in grades designated by the Board.

The Superintendent shall have the right to review disputed grades and with Board approval to adjust them.

**EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)****Testing**

In addition to testing procedures established in policy 5120 Assessment of Individual Needs, the School District shall establish and maintain a general testing program to:

- A. Improve the instructional program to assist students in achieving the Core Curriculum Content Standards;
- B. Measure the needs and progress of individual students;
- C. Measure the achievement of grade levels;
- D. Allow comparison of District students with national or other norms;
- E. Aid in evaluation of programs.

The District testing program shall embody at least the tests required by state and federal law at the mandated grades. The administration shall continually scrutinize the applicability and effectiveness of tests being used in the District.

School personnel shall not use tests, procedures or other guidance and counseling materials that are differentiated or stereotyped on the basis of race, color, creed, religion, sex, ancestry, , ***national origin, nationality, disability, marital status, familial status, pregnancy or social or economic status.***

Any requests for surveys, student observations, or student questionnaires must be forwarded through the Principal's office to the Superintendent's office for approval before any survey or observation can be conducted. ***If the survey concerns any of the topics described in statute, the chief school administrator shall obtain written consent from parents/guardians or the students being surveyed at least two weeks prior to its administration.***

Individual results of standardized tests, including intelligence tests, shall be made available to parents/guardians upon their request, but shall be considered confidential information to be available only to authorized persons. School and District test results shall be discussed in a public meeting.

<b><u>Legal References:</u></b> <u>N.J.S.A.</u> 18A:7C-3, -4, -6, -6.2	Remedial instruction for students not meeting graduation standards ...
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation, policies and procedures
<u>N.J.S.A.</u> 18A:36-34	Written approval required prior to acquisition of certain survey information from students
<u>N.J.S.A.</u> 18A:54-20	Powers of Board (county vocational schools)
<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practice
<u>N.J.A.C.</u> 6A:8-1.1 <i>et seq.</i>	Standards and Assessments
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:8-1.3, -4.1, -5.1	<i>School Districts-led standards-based instruction</i>
<u>N.J.A.C.</u> 6A:10A-3.1 <i>et seq.</i>	District policies and procedures
<u>N.J.A.C.</u> 6A:16-1.4(c)	Evaluation process for the annual review
<u>N.J.A.C.</u> 6A:30-1.4	Definitions
<u>N.J.A.C.</u> 6A:32-2.1	Student Records
<u>N.J.A.C.</u> 6A:32-7.1	School-level planning
<u>N.J.A.C.</u> 6A:32-12.2	

**EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)**

34 CFR 98 Protection of Student Rights

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

**Legal References: (continued)**

Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862

- Cross References:**
- \*1000/1010 Concepts and roles in community relations; goals and objectives
  - \*1120 Board of Education meetings
  - \*5113 Absences and excuses
  - \*5120 Assessment of individual needs
  - \*5124 Reporting to parents/guardians
  - \*5125 Student records
  - \*5141.3 Health examinations and immunizations
  - \*6142.6 Basic skills
  - \*6146 Graduation requirements
  - \*6146.2 Promotion/retention
  - \*6147 Standards of proficiency

\*Indicates policy is included in the Critical Policy Reference Manual.

**Key Words**

Evaluation, Student Evaluation, Student Evaluation, Class Rank, Grading, Testing, Examinations

Approved: June 9, 2008

Revised:

### **SPECIAL EDUCATION**

The Old Tappan Board of Education assures compliance with Part B of the Individuals with Disabilities Act (IDEA) and New Jersey Administrative Code. 6A:14-1 et seq. Furthermore the Board will have programs and procedures in effect to ensure the following:

1. All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3
2. Homeless students are located, identified and evaluate according to N.J.A.C 6A:14-3.3, and are provided special education and related services in accordance with IDEA including the appointment of a surrogate parent for unaccompanied homeless youths defined in 42 U.S.C. §§11431 et seq.
3. Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.
4. An individualized education program is developed, reviewed and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.
5. To the maximum extent appropriate students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.
6. Students with disabilities are included in statewide and District-wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.
7. Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent, when appropriate.
8. A free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.
  - a. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
  - b. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
  - c. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade; and
  - d. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability.



**SPECIAL EDUCATION (continued)**

- e. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.
9. Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter experience a smooth transition and that an individualized education program has been developed and is being implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.
10. Full educational opportunity to all students with disabilities is provided.
11. The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7..
12. Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2
13. Students with disabilities who are placed in private schools by the District Board of Education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.
14. All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.
15. The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The District Board of Education shall maintain information to demonstrate its efforts to:
  - a. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
  - b. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
  - c. Acquire and disseminate to teachers, administrators, school Board members, and related services personnel, significant knowledge derived from educational research and other sources and how the District will, if appropriate, adopt promising practices, materials and technology.
  - d. Ensure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
  - e. Provide for joint training of education personnel.
16. Instructional materials will be provided to blind or print-disabled students in a timely manner.

**SPECIAL EDUCATION (continued)**

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

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

19. The School District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as Specified in each student's IEP.

A. The Demarest Board of Education complies with the appropriate elements of the exemption of educationally disabled students from graduation requirements according to N.J.A.C. 6A:14-4.14-10, 14-11

The Board shall ensure that all students with disabilities participate in statewide assessments or the applicable Alternative Proficiency Assessment in grades 3, 4, 5, 6, 7, 8, and 11 in accordance with their assigned grade level. ~~with~~ Participation shall include appropriate accommodations or modifications, as determined by the student's IEP. If the nature of the student's disability is so severe that the student is not receiving instruction in any of the knowledge and skills measured by the statewide assessment and the student cannot complete any of the questions on the assessment in a subject area with or without accommodations, the student shall participate in the alternate proficiency assessment and the IEP goals and objectives will reflect the NJ Core Curriculum Content Standards.

By June 30 of a disabled student's last year in the elementary program, the student's IEP team shall meet to review the student's IEP in view of the transition to the secondary program. Input from appropriate staff from the secondary school shall be part of the review.

The IEP for the student entering the secondary program will address all the elements required in the administrative code, including specifically addressing graduation requirements. Required reviews of the IEP shall continue to address graduation requirements in accordance with N.J.A.C. 6A:14-4.11 (a).

A disabled student who has not been exempted from the proficiencies or has performed below the state minimum level of student proficiency on one or more areas of the state-mandated tests may participate in the state-approved alternate proficiency assessment

B. Prevention of needless public labeling of educationally disabled students

The Board directs that the names and other personally identifiable data concerning educationally disabled children shall be kept confidential and shall not be included in the public acts and public records of this District. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of educationally disabled students on whose behalf the Board of Education must

**SPECIAL EDUCATION (continued)**

- B. Prevention of needless public labeling of educationally disabled students (continued)  
take public action. Motions concerning disabled students made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with N.J.A.C. 6A:32-7.

Further, the Board, administrators, faculty and other personnel shall avoid unnecessary and needless public labeling of such students. This shall include the avoidance of public address announcements so designating students, any open identification of classrooms with signs so designating, or any item of open or general circulation, such as photographs, audio/videotapes, etc., that so designates an individual student or class. Student records shall be maintained in accordance with N.J.A.C. 6A:32-7.

- C. Compilation, maintenance, access to and confidentiality of student records according to N.J.A.C. 6A:32-7

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

To assure the security of special education records:

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

As with all student records, access shall be guaranteed to persons authorized according to N.J.A.C. 6A:32-7 within 10 days of the request, but prior to any review or hearing conducted in accordance with state Board of Education regulations.

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

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

The superintendent shall prepare written procedures for identifying those students ages three through 21, including students attending nonpublic schools, who reside within the District and homeless students who are within the District that may be educationally disabled, who are not receiving special education and/or related services as required. Procedures shall include provision for the referral of students who may be experiencing physical, sensory, emotional, communication, cognitive or social difficulties. A surrogate parent will be appointed for unaccompanied homeless youths and for all other students with disabilities when appropriate.

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

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

**SPECIAL EDUCATION (continued)**

- D. Identification, location and evaluation of potentially educationally disabled students, according to N.J.A.C 6A:14-3.3 (continued)  
 Parental requests for an initial evaluation and/or or a change in IEP must be in writing. Electronic mail will not be considered as a valid request.

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

**Evaluation and Determination of Eligibility**

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.4, 2.5, 3.4, 3.5, 3.6 dealing with:

1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf when feasible;
2. An initial evaluation that consists of a multi-disciplinary assessment in all areas of suspected disability and a written report of the results of each assessment;
3. Determination that a student is eligible for special education and related services when he/she has been identified as having one or more of the 14 categories of disability described in the administrative code, and the disability adversely affects the student's educational performance.

The Superintendent shall oversee development of detailed procedures to govern the evaluation process, and shall implement them after they have been reviewed and adopted by the Board.

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

- E. Provision of full educational opportunity to educationally disabled students

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

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

**SPECIAL EDUCATION (continued)**

E. Provision of full educational opportunity to educationally disabled students (continued)  
The Superintendent shall ensure that the District's special education programs comply with the law in every respect, including fiscal regulations and reports.

F. Participation of and consultation with the parents of educationally disabled students toward the goal of providing full educational opportunity to all educationally disabled students ages three through 21

In order to achieve the District's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed.

Written notice to parents/guardians shall be provided as follows:

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

The Superintendent shall develop and present to the Board for review and adoption procedures for:

1. Giving notice to parents/guardians when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to low-cost legal counsel and fees;
2. Seeking consent of parents/guardians to the actions in 1, when such consent is required;
3. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. If a mutually agreeable time and place cannot be determined, the parent(s) shall be provided the opportunity to participate in the meeting through alternative means, such as videoconferencing and conference calls. (N.J.A.C. 6A:2.3(k)4).
4. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties.
5. Particularly, parental consent shall be obtained prior to implementation of the initial IEP resulting from evaluation; prior to:
  - a. Reevaluation except in the circumstances outlined in code,
  - b. The release of student records according to N.J.A.C. 6A:32,
  - c. Excusing an IEP team member from an IEP meeting,

**SPECIAL EDUCATION (continued)**

F. Participation of and consultation with the parents of educationally disabled students toward the goal of providing full educational opportunity to all educationally disabled students ages three through 21 (continued)

- d. Accessing public benefits or public or private insurance of the parents/guardians,
- e. Amending an IEP without a meeting,
- f. Waiving a reevaluation meeting.

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a student's rights when:

- a. The parents/guardians cannot be identified or located after reasonable efforts,
- b. The child is a ward of the State of New Jersey
- c. The foster parent refuses to serve as a parent
- d. The student is an unaccompanied homeless youth as defined by statute.

The District shall make reasonable efforts to appoint a surrogate parent within 30 days of the determination that a surrogate parent is needed. If the District fails to appoint a surrogate parent for a ward of the state, a judge may make such an appointment

The District shall select surrogate parents that meet the administrative code requirements and shall train such surrogate parents in compliance with the administrative code.

No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the student is eligible, the development and implementation of the initial IEP. No more than 60 calendar days after parental consent has been received shall be allowed for a reevaluation. No more than one reevaluation shall be conducted annually unless the parent/guardian and the District agree.

G. Provision of special services to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate

The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP in accordance with all provisions of N.J.A.C. 6A: 14-4.2 to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate. When instruction is provided to groups consisting solely of students with disabilities, the size of the groups and age range shall conform to the requirements for special class programs described in the administrative code.

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

**SPECIAL EDUCATION (continued)**G. Provision of special services to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate (continued)

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.

H. Determination of eligibility according to N.J.A.C. 6A:14-2.3(i)1 and 3.5 through -3.6

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

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

I. The individualized education program for each educationally disabled student shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(i) and N.J.A.C. 6A:14-3.7.

The Board shall ensure that an IEP is in effect for every student in the District who is receiving special education and related services.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law, a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled student's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a student's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants. If the parents/guardians cannot attend the meetings, the Superintendent/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation. An IEP may be amended without a meeting with parental consent.

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

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

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

**SPECIAL EDUCATION (continued)**

- I. The individualized education program for each educationally disabled student shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(i) and N.J.A.C. 6A:14-3.7. (continued)
1. No more than 90 calendar days after parental consent has been received shall be allowed for the evaluation, determination of eligibility and, if the student is eligible, the development and implementation of the IEP. The IEP shall be implemented as soon as possible following the IEP meeting.
  2. The Board of Education will provide the kind and quality of those special education-related services prescribed in the IEP to enable educationally disabled students to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, and other related services.
- J. Protection of students rights in regard to evaluation and reevaluation procedures according to N.J.A.C. 6A:14-3.4 and 3.8  
Procedures shall provide all due process protection for the rights of the student and his/her parents/guardians whether the student is already enrolled in the schools or has been located through the process for identification in the section D of this policy.

In order to achieve the District's goal of providing full educational opportunity to all educationally disabled students in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. Particular care must be taken to inform parents/guardians of their right to review all educational records with respect to the identification, evaluation and educational placement of the student; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees. The Superintendent shall develop and present to the Board for review and adoption procedures for:

1. An independent evaluation at the request of the parent/guardian in accordance with N.J.A.C. 6A:14-2.5. Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code, unless the District Board of Education initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;
2. Mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties. A due process hearing may be initiated by the Board of Education, a parent/guardian;
3. Ensuring what all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of disabled students, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.



**SPECIAL EDUCATION (continued)****K. Placement of educationally disabled students in the least restrictive environment according to N.J.A.C. 6A:14-4.2**

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

The Superintendent shall encourage positive attitudes toward the educationally disabled in all District students and personnel.

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

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

Placement of a disabled student in the least restrictive environment shall be determined annually. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the student shall be educated in the school he/she would attend if not disabled.

**L. Establishment and implementation of procedural safeguards according to N.J.A.C. 6A:14-2.3 through -2.4 and N.J.A.C. 1:6A**

The Board of Education directs the Superintendent to establish and implement the required procedural safeguards enumerated in Section F of this policy.

The Superintendent shall ensure that the District's special education programs comply with the law in every respect, including fiscal regulations and reports.

These procedures shall provide all due process protection for the rights of the student and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf. (N.J.A.C. 6A:14-2.7)

**M. Complying with other aspects of the District program for special education and/or requirements of N.J.A.C. 6A:14****Discipline**

In general, educationally disabled students are subject to the same disciplinary constraints and sanctions as non-disabled students. However, before disciplinary action is taken against

an educationally disabled student, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the student's needs, whether a component of the student's IEP covers the behavior, or whether the student is an immediate danger to himself/herself or others.

**SPECIAL EDUCATION (continued)****M. Complying with other aspects of the District program for special education and/or requirements of N.J.A.C. 6A:14 (continued)**

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

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

**Early Intervention**

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

**Preschool Disabled Program**

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

**Placement in Nonpublic Schools**

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

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

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

**Cooperation with Other Agencies**

The Superintendent shall investigate the possibilities of working with organizations and agencies providing services for the disabled, and shall present feasible programs and relationships to the Board for consideration.

**SPECIAL EDUCATION (continued)**

- M. Complying with other aspects of the District program for special education and/or requirements of N.J.A.C. 6A:14 (continued)  
Eligibility for State and Federal Funds

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

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

Blind and Print-Disabled Students

Instructional materials will be provided to blind and print-disabled students in a timely manner.

Students Potentially Eligible to Receive Services from Human Services

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the

Students Potentially Eligible to Receive Services from Human Services (continued)

District will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

Electronic Mail

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

Time for Consultation

The School District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.

Access

In addition to educational programs, the Board directs that the Superintendent take into consideration physical access to District facilities for disabled students, staff and the community in determining location of programs or planning new facilities per state and federal law.

**SPECIAL EDUCATION** (continued)**ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY****NEW JERSEY DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS****BOARD OF EDUCATION POLICIES AND PROCEDURES  
FOR ELIGIBILITY UNDER PART B OF THE IDEA  
FOR 2011-2012****PART I - POLICIES**

COUNTY CODE: \_\_\_\_\_ COUNTY NAME: \_\_\_\_\_

DISTRICT CODE: \_\_\_\_\_ DISTRICT NAME: \_\_\_\_\_

*In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the District Board of Education shall adopt and assure compliance with the following policies:*

***Policy #1:** All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.*

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

***Policy #3:** Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.*

***Policy #4:** An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.*

***Policy #5:** To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.*

***Policy #6:** Students with disabilities are included in statewide and District wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.*

***Policy #7:** Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent, when appropriate.*

***Policy #8:** A free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.*

**SPECIAL EDUCATION** (continued)

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

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

***Policy #10: Full educational opportunity to all students with disabilities is provided.***

***Policy #11: The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.***

***Policy #12: Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.***

***Policy #13: Students with disabilities who are placed in private schools by the District Board of Education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.***

***Policy #14: All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.***

***Policy #15: The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The District Board of Education shall maintain information to demonstrate its efforts to:***

1. *Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;*

**SPECIAL EDUCATION** (continued)

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

***Policy #16: Instructional materials will be provided to blind or print-disabled students in a timely manner.***

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

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

***Policy #19: The School District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.***

**PART II – PROCEDURES**

***In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the District Board of Education shall assure compliance with the following policies and related procedures below:***

***Policy #1: All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.***

**AND**

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

**SPECIAL EDUCATION** (continued)**AND**

***Policy #7: Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq. including appointment of a surrogate parent, when appropriate. Procedures to locate students with disabilities (child find) must ensure that:***

- 1. Person(s) responsible to conduct child find activities are identified.***
- 2. Child find activities are conducted for all children ages three through 21, who reside within the District or attend nonpublic schools within the District.***
- 3. Child find activities are conducted at least annually.***
- 4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.***
- 5. Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.***
- 6. Child find activities for nonpublic school students are comparable to activities conducted for public school students.***
  - a. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.***
- 7. Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.***

***For charter schools or state agencies, procedures must ensure that:***

- 1. Child find activities are limited to the population of students enrolled in the charter school or served by the state agency.***
- 2. Person(s) to conduct child find activities are identified.***
- 3. Child find activities are conducted at least annually.***
- 4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.***

***Procedures for interventions in the general education program must ensure that:***

- 1. Criteria/steps for initiating interventions in the general education program are identified.***
- 2. Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.***

**SPECIAL EDUCATION** (continued)

3. *Activities are in place to determine whether the interventions are effective.*
  - a. *School personnel who are responsible for the implementation/evaluation of the interventions are identified; and*
  - b. *The type, frequency, duration and effectiveness of the interventions are documented.*

***Procedures for referral must ensure that:***

1. *Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.*
2. *Steps are in place to refer students directly to the child study team when warranted.*
3. *Steps are in place to refer students who may be disabled but are advancing from grade to grade.*
4. *Steps for initiating a referral to the child study team by school personnel identify:*
  - a. *The information/documentation of student performance required in the referral;*
  - b. *Forms, if any, that are to be submitted by school personnel;*
  - c. *School personnel who are responsible to process referrals; and*
  - d. *Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.*
5. *Steps for processing written referrals received from parents identify:*
  - a. *School personnel who are responsible to process referrals from parents; and*
  - b. *Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.*
6. *School personnel, parents and agencies are informed of referral procedures.*

***For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:***

1. *A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:*
  - a. *The parent of the student cannot be identified or located.*
  - b. *An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.*
  - c. *The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.*





**SPECIAL EDUCATION** (continued)

- a. *All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;*
- b. *All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;*
- c. *All persons serving as surrogate parents are at least 18 years of age;*
- d. *If the School District compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and*
- e. *No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the District Board of Education or a public or nonpublic agency that is involved in the education or case of the child.*

**Policy #3:** *Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.*

**Procedures:** *Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.*

**Policy #4:** *An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.*

**Procedures:** *Due to the specificity of the requirements at N.J.A.C. 6A:14-2.6 and 3.7, no additional written procedures are required.*

**Policy #5:** *To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.*

**Procedures:** *Due to the specificity of the requirements at N.J.A.C. 6A:14-4.2, no additional written procedures are required.*

**Policy #6:** *Students with disabilities are included in statewide and District wide assessment programs, with appropriate accommodations, where necessary according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable Alternate Proficiency Assessment, in grades 3, 4, 5, 6, 7, 8 and 11 in accordance with their assigned grade level.*

**Procedures:** *Due to the specificity of the requirements at N.J.A.C. 6A:14-4.10, no additional written procedures are required.*

**Policy #8:** *A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.*

**Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:**

1. *School officials responsible for implementing suspensions/expulsions in the District are identified.*

**SPECIAL EDUCATION** (continued)

2. *Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager.*
3. *A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.*
4. *Suspension from transportation is counted as a day of removal if the student does not attend school.*
  - a. *If transportation is included in the student's IEP as a required related service, the School District shall provide alternate transportation during the period of suspension from the typical means of transportation.*
5. *Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.*
6. *If the District has an in-school suspension program, participation in the program is not considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:<sup>1</sup>*
  - a. *Opportunity for the student to participate and progress in the general curriculum;*
  - b. *Services and modifications specified in the student's IEP;*
  - c. *Interaction with peers who are not disabled to the extent they would have in the current placement; and*
  - d. *The student is counted as present for the time spent in the in-school suspension program.*
7. *When a series of short-term removals will accumulate to more than 10 school days in the year:*
  - a. *School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;*
  - b. *Written documentation of the consultation between school officials and the case manager is maintained;*
  - c. *If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:*
    1. *Enable the student to participate and progress appropriately in the general education curriculum; and*
    2. *Advance appropriately toward achieving the goals set out in the student's IEP; and*
  - d. *Written documentation of the consultation and services provided is maintained.*
8. *Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, 20 U.S.C. §1415(k).*

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<sup>1</sup> For the purpose of documenting all removals, in-school suspension must be reported via the Electronic Violence and Vandalism Reporting System even if services were provided.

**SPECIAL EDUCATION** (continued)

***Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:***

- 1. Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include: <sup>2</sup>***
  - a. Responding to referrals according to N.J.A.C. 6A:14-3.3(e)***
  - b. Having a program in place no later than 90 calendar days from the date of consent.***

***Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:***

- 1. A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:***
  - a. As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and***
  - b. The use of functional assessment information supports the IEP team's determination.***

***Policy #9: Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.<sup>3</sup>***

- 1. A child study team member of the District will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:***
  - a. Review the Part C Individualized Family Service Plan for the child;***
  - b. Provide the parent(s) written District registration requirements;***
  - c. Provide the parents written information with respect to available District programs for preschool students, including general education placement options; and***
  - d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.***
- 2. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.***

***Policy #10: Full educational opportunity to all students with disabilities is provided.***

<sup>2</sup> This procedure does not apply to secondary School Districts or charter schools that do not serve preschool age children.

<sup>3</sup> This procedure does not apply to secondary School Districts or charter schools that do not serve preschool age children.

**SPECIAL EDUCATION** (continued)

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1, no additional written procedures are required.

**Policy #11:** The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:32-7, no additional written procedures are required.

**Policy #12:** Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:14-6.1 and 6.2, no additional written procedures are required.

**Policy #13:** Students with disabilities who are placed in private schools by the District Board of Education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1(d) and 7.5(b)3, no additional written procedures are required.

**Policy #14:** All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)13, no additional written procedures are required.

**Policy #15:** The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The District Board of Education shall maintain information to demonstrate its efforts to:

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

**SPECIAL EDUCATION** (continued)

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.

**Policy #16:** Instructional materials will be provided to blind or print-disabled students in a timely manner.

*Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the District. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.*

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

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)17, no additional written procedures are required.

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

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)18, no additional written procedures are required.

**Policy #19:** The School District will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.

**Procedures:** Due to the specificity of the requirements at N.J.A.C. 6A:14-4.5(d), no additional written procedures are required.

<b>Legal References:</b>	<u>N.J.S.A. 10:5-1 et seq.</u> <u>N.J.S.A. 18A:46-1 et seq.</u> See particularly: <u>N.J.S.A. 18A:46-13</u> <u>N.J.S.A. 18A:46A-1 et seq.</u> <u>N.J.A.C. 5:23-7</u>  <u>N.J.A.C. 6A:7-1.7</u> <u>N.J.A.C. 6A:8-1.2</u> <u>N.J.A.C. 6A:8-1.3</u> <u>N.J.A.C. 6A:8-3.1</u> <u>N.J.A.C. 6A:8-4.1 et seq.</u>  <u>N.J.A.C. 6A:8-5.1 et seq.</u>	Law Against Discrimination Classes and Facilities for Handicapped Children  Auxiliary Services Barrier free subcode of the uniform construction code Equality in school and classroom practices Scope Definitions Curriculum and instruction Implementation of the Statewide Assessment System Implementation of Graduation Requirements
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**SPECIAL EDUCATION (continued)****Legal References: (continued)**

<u>N.J.A.C. 6A:9-1.1 et seq.</u>	Professional Licensure and Standards
<u>See particularly:</u>	
<u>N.J.A.C. 6A:9-11.3</u>	Special Education
<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Bilingual programs for limited English proficient students
<u>N.J.A.C. 6A:15-1.4</u>	Finance and Business Services
<u>N.J.A.C. 6A:23-1.1 et seq.</u>	
<u>See particularly:</u>	
<u>N.J.A.C. 6A:23-3.4, -4.1 et seq.</u>	Planning and Construction Standards for School Facilities
<u>N.J.A.C. 6A:26-6.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Student Records
<u>N.J.A.C. 6A:32-7.1 et seq.</u>	School attendance
<u>N.J.A.C. 6A:32-8.3</u>	Reporting requirements
<u>N.J.A.C. 6A:32-12.1</u>	Review of mandated programs and services
<u>N.J.A.C. 6A:32-14.1</u>	

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

20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 101-476 (formerly Education for All Handicapped Children Act--Part B)

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

34 CFR 76.1 et seq. - General Administrative Regulation EDGAR

34 CFR 77.1 et seq. - General Administrative Regulation EDGAR

34 CFR 300 - Assistance to States for the Education of Children with Disabilities (IDEA Regulations)

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

Oberti v. Board of Education of Clementon School District, 995 F.2d 1204, 1216-17 (C. A.3 1993)

Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)

**Cross References:**

*1120	Board of Education meetings
*4112.2	Certification
*4131/4131.1	Staff development; inservice education/visitations/conferences
*5114	Suspension and expulsion
*5120	Assessment of individual needs
*5125	Student records
*5131	Conduct/discipline
*5200	Nonpublic school students
*6121	Nondiscrimination/affirmative action
*6145	Extracurricular activities
*6151	Class size
*6164.2	Guidance services
*6164.4	Child study team
*9322	Public and executive sessions

\*Indicates policy is included in the Critical Policy Reference Manual.

**Key Words**

Special Education, Disabled, Graduation Requirements, Records, Student Records, Student Records, Special Education Student Records

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