

## 4125 EMPLOYMENT OF SUPPORT STAFF MEMBERS

The Board of Education believes it is vital to the successful operation of the school district that support staff member positions be filled with highly qualified and competent professionals.

In accordance with the provisions of N.J.S.A. 18A:27-4.1, the Board shall appoint, transfer, remove, or renew a certificated or non-certificated officer or employee only upon the recommendation of the Superintendent of Schools and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons. The Board shall approve the employment, fix the compensation, and establish the term of employment for every support staff member employed by this district.

The Board will employ substitutes for absent support staff members in order to ensure continuity in a program and will annually approve a list of substitutes and rate of pay. The Superintendent or designee shall select substitutes from the list approved by the Board to serve in the place of an absent support staff member.

The Board may use a private contractor to secure a substitute support staff member.

The Board of Education shall not employ for pay or contract for the paid services of any support staff member or any other person serving in a position which involves regular contact with students unless the Board has first determined consistent with the requirements and standards of N.J.S.A. 18A:6-7.1 et seq. that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

An individual employed by the Board or a school bus contractor holding a contract with the Board, in the capacity of a school bus driver, shall be required to meet the criminal history record requirements as outlined in N.J.S.A. 18A:39-19.1.

The Board will employ paraprofessional school aides and/or classroom aides to assist in the supervision of student activities under the direction of a Principal, teacher, or other designated certified professional personnel. Aides will serve the needs of students by performing nonprofessional duties and may work only under the direct supervision of a teaching staff member(s).



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Employment of Support Staff Members

In accordance with the requirements of *No Child Left Behind Act of 2001*, paraprofessionals hired after January 8, 2002, who work in a program supported with Title I, Part A funds, with certain exceptions, must meet one of the following criteria:

1. Completed at least two years of study at an institution of higher education;
2. Obtained an associate's (or higher) degree; or
3. Met a rigorous standard of quality and be able to demonstrate, through a formal State or local academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

Paraprofessional staff working in a Title I school, and whose salary is paid for in whole or in part with Title I funds, must have met one of the criteria listed above by the end of the 2005-2006 school year. The Superintendent will ensure paraprofessionals working in a program supported with Title I funds meet the above stated requirements.

An individual employed by the Board in any substitute capacity or position shall be required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1b.

An individual, except as provided in N.J.S.A. 18A:6-7.1g, shall be permanently disqualified from employment or service in the school district if the criminal history record check reveals a record of conviction for any crime or offense as defined in N.J.S.A. 18A:6-7.1 et seq.

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history record check if the Board or contracted service provider demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment as prescribed in N.J.S.A. 18A:6-7.1c. In the event the criminal history record check is not completed for an emergent hired employee within three months, the Board or contracted service provider may petition the Commissioner for an extension of time, not to exceed two months, in order to retain the employee.

No criminal history record check shall be performed unless the applicant shall have furnished written consent to such a check. The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check. The district will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history record check.



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Employment of Support Staff Members

The Board of Education prohibits any relative of a Board member or the Superintendent of Schools from being employed in an office or position in the school district in accordance with the provisions of N.J.A.C. 6A:23A-6.2 and Board Policy 0142.1 – Nepotism.

A support staff member's misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

N.J.S.A. 18A:6-5; 18A:6-6; 18A:6-7.1; 18A:6-7.1b; 18A:6-7.1c; 18A:6-7.2;  
18A:16-1 et seq.; 18A:26-1 et seq.; 18A:27-1 et seq.; 18A:27-4.1;  
18A:27-7; 18A:27-8; 18A:39-19.1

Adopted: 22 June 2006  
Revised:



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Nonrenewal of Nontenured Support Staff Member

### 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

The Board will renew the employment contract of a nontenured support staff member only upon the recommendation of the Superintendent and by a recorded roll call majority vote of the full membership of the Board. The Board will not withhold its approval for arbitrary and capricious reasons. A nontenured support staff member who is not recommended for renewal by the Superintendent is deemed nonrenewed.

When the nontenured support staff member's performance does not meet the standards of the district, the Superintendent shall recommend not to renew the support staff member's contract. Prior to notifying the nontenured support staff member of the nonrenewal, the Superintendent will notify the Board of the recommendation not to renew the support staff member's contract and the reasons for the recommendation. The Superintendent may notify the Board in a written notice or in executive session at a full Board meeting. In the event the Board is notified in executive session, the Superintendent will comply with the requirements of the Open Public Meetings Act and provide reasonable notice to the nontenured support staff member their employment will be discussed in executive session in order for the support staff member to exercise their statutory right to request a public discussion.

The Superintendent shall notify each nontenured support staff member to whom reemployment will not be offered in writing in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. Paraprofessionals continuously employed since the preceding September 30 as a school aide or classroom aide in a school district that receives funding under Title I of the Federal Elementary and Secondary Education Act of 1965 shall be notified of renewal or nonrenewal on or before May 15 in each year in accordance with the provisions of N.J.S.A. 18A:27-10.2.

A nontenured support staff member whose contract is not renewed shall have the right to a written statement of the reasons for nonrenewal, provided the request for the statement of reasons is made within fifteen days of the Superintendent's written notification of nonrenewal to the support staff member. The statement of reasons shall be provided to a nontenured support staff member within thirty days after the receipt of the request.

Whenever a nontenured support staff member has requested in writing and received a written statement of reasons for non-reemployment, the nontenured support staff member shall have the right to an informal appearance before the Board to permit the support staff member an opportunity to convince the members of the Board to offer reemployment, provided that a request for such an appearance is received within ten days after the support staff member receives the statement of reasons provided by the Superintendent. The informal appearance before the Board shall be held in accordance with the provisions of N.J.A.C. 6A:10-8.1.



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Nonrenewal of Nontenured Support Staff Member

The Board is not required to offer reemployment or vote on reemployment after an informal appearance with a nontenured support staff member who was not recommended for reemployment by the Superintendent. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured support staff member reemployment after the informal appearance before the Board. The support staff member will be notified of the Board's final determination within three days following the informal appearance before the Board.

The provisions as outlined in Policy and Regulation 4146 may be revised or adjusted by the Superintendent of Schools to be in accordance with the terms and timelines of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties provided the terms are not contrary to any statute, administrative code, or any management rights of the Board.

This policy does not apply to the contract renewal of the Treasurer of School Moneys, Board Auditor, Board Attorney or Board Secretary, except a Board Secretary who performs business administration functions.

N.J.S.A. 18A:27-4.1

Adopted: 22 June 2006  
Revised:



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Physical Examination

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### 4160 PHYSICAL EXAMINATION

The Board of Education requires each candidate for employment who receives a conditional offer of employment to undergo a physical examination(s) to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA).

If upon completing an examination(s) it is determined a candidate for employment who received a conditional offer of employment is unable to perform with reasonable accommodation job-related functions pursuant to the provisions of the ADA, the conditional offer of employment will be rescinded either by the Superintendent of Schools, if the Board has not yet approved the appointment, or by the Board, if the Board had approved the appointment at a Board meeting.

The physical examination shall include, but is not limited to, a health history to include past serious illnesses and injuries; current health problems; allergies; and a record of immunizations. The physical examination shall also include a health screening to include, but not limited to: height and weight; blood pressure; pulse and respiratory rate; vision screening; and hearing screening.



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Physical Examination

Candidates for employment who have received a conditional offer of employment will be required to be tested for the usage of controlled dangerous substances as they are defined in N.J.S.A. 2C:35-2. This testing will be completed in accordance with New Jersey Department of Health and Department of Education guidelines. Testing for the usage of controlled or dangerous substances, if required by the Board, will be required for all employees and candidates for employment who have received a conditional offer of employment.

Pursuant to N.J.S.A. 18A:16-3, the Board shall bear the cost of physical examinations required by this Policy performed by a physician or institution designated by the Board. However, the candidate shall bear the cost if the examination is performed by a physician or institution designated by the candidate with approval of the Board. In the event the Board approves the physician or institution designated by the candidate to complete an examination required by this Policy, the candidate will be provided with the detailed requirements of the examination.

School employee physicals, examinations, and/or annual medical updates do not require screening or disclosure of HIV status.

A Mantoux tuberculosis test shall be given to all student teachers, school bus drivers on contract with the district, and contractors or volunteers who have contact with students.

All staff members' medical and health records, including computerized records, will be secured, stored, and maintained separately from other personnel files. The information contained in medical records will be kept confidential. Only the staff member, the Superintendent, and the school medical inspector shall have access to medical information regarding an individual employee. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5. The staff member may provide health-status information, including medications that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the staff member may also choose to share with the staff member's Building Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.



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Physical Examination

Additional individual psychiatric or physical examinations of any staff member may be required by the Board whenever, in the judgment of the Board, a staff member shows evidence of deviation from normal physical or mental health. Any additional individual examinations will be pursuant to the requirements of N.J.A.C. 6A:32-6.3. Additional examinations and/or certifications may be required to verify fitness in accordance with Policy 4161 or disability in accordance with Policies 4425 and 4435.

42 U.S.C.A. 12101  
N.J.S.A. 18A:16-2  
N.J.A.C. 6A:32-6.1; 6A:32-6.2; 6A:32-6.3

Adopted: 22 June 2006  
Revised: 6 November 2007  
Revised:





## 4161 EXAMINATION FOR CAUSE

The Board of Education may, in accordance with law, require the psychiatric or physical examination of any support staff member who shows evidence of deviation from normal physical or mental health.

The Superintendent shall recommend to the Board the examination of any support staff member whose physical or mental condition so departs from normal health as to adversely affect the performance of the member's duties. Any such recommendation must be accompanied by competent evidence. If the Board determines that deviation from normal health has been demonstrated, it may require that the member submit to a physical or mental examination.

A requirement for physical or mental examination shall be made known to the employee by written notice setting forth the nature of the examination required, the reasons for the requirement, and a statement offering the member the opportunity to appear before the Board to explain or refute those reasons, provided any such hearing is requested in writing within 5 working days of the receipt of the notice.

A support staff member who fails to request an appearance before the Board within the time permitted or, having appeared before the Board, fails to persuade the Board that he/she should not be required to submit to the required examination shall be ordered to submit to an appropriate examination by a physician or institution designated by the Board and at the Board's expense.

The support staff member may, at his/her option, submit names of physicians or institutions to the Board for consideration to complete the appropriate examination(s). The Board is not required to designate a physician or institution submitted for consideration by the support staff member, but the Board will not act unreasonably in withholding its approval of a physician or institution submitted by a support staff member. The cost of the examination will be borne by the Board if the Board designates a physician or institution from the names submitted from the support staff member.

If the support staff member's request is denied, or if the support staff member does not request the Board to consider a physician or institution, the staff member may elect to submit to an appropriate examination conducted by a physician or institution of the support staff member's own choosing and at his/her expense, provided the physician or institution so chosen is approved by the Board, pursuant to N.J.S.A. 18A:16-3, and is authorized and directed by the member to report the results of the examination to the Board.



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Examination for Cause

If the results of the examination show mental abnormality or communicable disease, the support staff member shall be placed on sick leave and compensated in accordance with his/her sick leave entitlement, if any, until proof of recovery, satisfactory to the Board, is furnished. No leave of absence granted under this policy shall exceed the term of the contract of a nontenured support staff member or a period of two years in the case of a tenured support staff member.

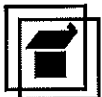
A support staff member who refuses to submit to the examination required by the Board and has exhausted the hearing procedures established by law and this policy shall be subject to discipline, which may include the certification of tenure charges to the Commissioner of Education.

42 U.S.C.A. 12101

N.J.S.A. 18A:6-10; 18A:16-2; 18A:16-4; 18A:30-1 et seq.

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

Adopted:



### 4212 ATTENDANCE

The regular and prompt attendance of support staff members is an essential element in the efficient operation of the school district and the effective conduct of the educational program. Staff member absenteeism disrupts the educational program and the Board of Education considers attendance an important component of a staff member's job performance.

A support staff member who fails to give prompt notice of an absence, misuses sick leave, fails to verify an absence in accordance with Board policy, falsifies the reason for an absence, is absent without authorization, is repeatedly tardy, or accumulates an excessive number of absences may be subject to appropriate consequences, which may include the withholding of a salary increment, dismissal, and/or certification of tenure charges.

In accordance with N.J.S.A. 18A:30-1, sick leave is defined to mean the absence from work because of a personal disability due to injury or illness or because the support staff member has been excluded from school by the school medical authorities on account of contagious disease or of being quarantined for such a disease in the staff member's immediate household. No support staff member will be discouraged from the prudent, necessary use of sick leave and any other leave provided for in the collective bargaining agreement negotiated with the member's majority representative, in an individual employment contract, or provided in the policies of the Board. In accordance with N.J.S.A. 18A:30-4, the Superintendent or Board of Education may require a physician's certificate to be filed with the Secretary of the Board in order to obtain sick leave.

The Superintendent, in consultation with administrative staff members, will review the rate of absence among the staff members. The review will include the collection and analysis of attendance data, the training of support staff members in their attendance responsibilities, and the counseling of support staff members for whom regular and prompt attendance is a problem.

N.J.S.A. 18A:30-1 et seq.

Adopted: 22 June 2006

Revised:



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Outside Activities

### 4230 OUTSIDE ACTIVITIES

The Board of Education recognizes that support staff members enjoy a private life outside their job responsibilities in the school district. The Board believes that school employees exert a continuing influence away from the school district. Accordingly, the Board reserves the right to determine if activities outside the support staff member's job responsibilities interfere with their performance and the discharge of the support staff member's responsibilities to this district.

All support staff members are advised to be governed in their activities outside the school by the following guidelines:

1. Support staff members shall not devote time during their work day to an outside private enterprise, business, or business organization. They shall not solicit or accept customers for a private enterprise, business, and/or business organization on school grounds during their work day without the express permission of the Superintendent;
2. The Board does not endorse, support, or assume liability in any way for any support staff member of this district who conducts a private activity in which students or employees of this district participate;
3. Support staff members shall not send campaign literature home with students, or request, direct or have students distribute campaign literature on behalf of any candidate for local, State, or national office or for any bond issue, proposal, or any public question submitted at any general, municipal, or school election. No student shall be requested or directed by any support staff member to engage in any activity which tends to promote, favor, or oppose any such candidacy, bond issue, proposal, or public question; and
4. Copyrights and patents to materials or equipment developed, written, prepared, processed, or tested by support staff members in the performance of their school district duties reside with and may be claimed by the Board.

N.J.S.A. 18A:42-4

N.J.S.A. 19:1.1 et seq.

Adopted: 22 June 2006

Revised:



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Inappropriate Staff Conduct

### 4281 INAPPROPRIATE STAFF CONDUCT

The Board of Education recognizes its responsibility to protect the health, safety and welfare of all students within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a student's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all students attending the school district.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all students. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-student professional relationship that exists in a school district's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward students.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to students or about students and shall not engage in inappropriate language or expression in the presence of students. School staff shall not engage in inappropriate conduct toward or with students. School staff shall not engage or seek to be in the presence of a student beyond the staff member's professional responsibilities. School staff shall not provide transportation to a student in their private vehicle or permit a student into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

Inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to students or for public display.

A school staff member is always expected to maintain a professional relationship with students and school staff members shall protect the health, safety and welfare of school students. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education, an arbitration process, and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.



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Inappropriate Staff Conduct

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate supervisor, the school staff member may report directly to the Superintendent. In addition, school personnel having reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Superintendent of Schools of all reports, including anonymous reports. The Assistant Superintendent will investigate all reports with a final report to the Superintendent of Schools. The Assistant Superintendent or the Superintendent may, at any time after receiving a report take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at any time upon request.

N.J.S.A. 18A:28-5 et seq.

N.J.A.C. 6A:16-11.1

Adopted: 18 March 2010

Revised:



## 4282 USE OF SOCIAL NETWORKING SITES

The Board of Education has a strong commitment to quality education and the well-being of all students, as well as the preservation of the school district's reputation. The Board believes staff members must establish and maintain public trust and confidence and be committed to protecting all students attending the school district. In support of the Board's strong commitment to the public's trust and confidence, the Board holds all staff members to the highest level of professional responsibility.

The Commissioner of Education has determined inappropriate conduct outside a staff member's professional responsibilities may determine them as unfit to discharge the duties and functions of their position. Staff members should be advised communications, publications, photographs, and other information appearing on social networking sites deemed inappropriate by the Board could be cause for dismissal of a non-tenured staff member or to certify tenure charges against a tenured staff member to the Commissioner of Education.

Staff members are advised to be concerned and aware such conduct deemed inappropriate may include, but is not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other form of electronic communication that is directed and/or available to students or for public display or publication.

While the Board respects the right of staff members to use social networking sites, staff members should recognize they are held to a higher standard than the general public with regard to standards of conduct and ethics. It is important that a staff member's use of these sites does not damage the reputation of the school district, employees, students, or their families. Staff members who utilize, post or publish images, photographs, or comments on social networking sites, blogs, or other forms of electronic communication outside their professional responsibilities shall ensure their use, postings, or publications are done with an appropriate level of professionalism and are appropriate conduct for a school staff member. Staff members should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public even without their knowledge or consent.

The school district strongly encourages all staff members to carefully review the privacy settings on social networking sites they use and exercise care and good judgment when posting content and information on such sites. Staff members should adhere to the following guidelines, which are consistent with the district's workplace standards on harassment, student relationships, conduct, professional communication, and confidentiality.



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Use of Social Networking Sites

When using personal social networking sites, school staff members:

1. Should not make statements that would violate any of the district's policies, including its policies concerning discrimination or harassment;
2. Must uphold the district's value of respect for the individual and avoid making defamatory statements about the school district, employees, students, or their families;
3. May not disclose any confidential information about the school district or confidential information obtained during the course of his/her employment, about any individual(s) or organization, including students and/or their families;
4. Shall not use social networking sites to post any materials of a sexually graphic nature;
5. Shall not use social networking sites to post any materials which promote violence;
6. Shall not use social networking sites which would be detrimental to the mission and function of the district;
7. Are prohibited from using their school district title as well as adding references to the district in any correspondence including, but not limited to, e-mails, postings, blogs, and social networking sites unless the communication is of an official nature and is serving the mission of the district. This prohibition also includes signature lines and personal e-mail accounts;
8. Shall not post updates to their status on any social networking sites during normal working hours including posting of statements or comments on the social networking sites of others during school time unless it involves a school project. Employees must seek approval from the Superintendent of Schools for such use; and
9. Shall not post or publish any information the Commissioner of Education would deem to be inappropriate conduct by a school staff member.





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Use of Social Networking Sites

The Policy of this district is to maintain a level of professionalism both during and after the school day. Any publication through any means of electronic communication which is potentially adverse to the operation, morale, or efficiency of the district, will be deemed a violation of this Policy. If the Board or Superintendent believes that a staff member's activity on any social networking site violates the district's policies, the Board or Superintendent may request that the employee cease such activity. Depending on the severity of the incident, the staff member may be subject to disciplinary action.

This Policy has been developed and adopted by this Board to provide guidance and direction to staff members on how to avoid actual and/or the appearance of inappropriate conduct toward students and/or the community while using social networking sites.

Adopted:



SUPPORT STAFF MEMBERS

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Staff Member's Use of Personal Cellular Telephones/  
Other Communication Devices

4322 STAFF MEMBER'S USE OF PERSONAL CELLULAR TELEPHONES/  
OTHER COMMUNICATION DEVICES

The Board of Education recognizes a support staff member may need to electronically communicate on a non-school related, personal matter using a personal cellular telephone or other personal communication device during their workday. Electronic communications include, but are not limited to: voice conversations, text-messaging, accessing social networking or other internet sites, or any other type of electronic communication.

In the event the support staff member needs to electronically communicate on a non-school related, personal matter using a personal cellular telephone or other personal communication device during their workday, the support staff member may do so provided:

1. \_\_\_\_\_ the communication is made during the support staff member's free lunch or break periods and is made outside the presence of students  
\_\_\_\_\_ in an area inside the school building designated by the support staff member's Principal or immediate supervisor.



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Staff Member's Use of Personal Cellular Telephones/  
Other Communication Devices

An electronic communication by a support staff member on a non-school related, personal matter using a personal cellular telephone or other personal communication device shall not be made while the support staff member is performing assigned school district responsibilities.

In the event the support staff member has an emergency requiring immediate attention that requires such a communication while performing assigned school district responsibilities, the support staff member shall inform their Principal or immediate supervisor before or immediately after the communication, depending on the nature of the emergency. The Board of Education is not responsible if a support staff member's personal cellular telephone or other communication device is lost, stolen, or missing.

Adopted:



### 4324 RIGHT OF PRIVACY

The Board of Education will provide facilities and school district-owned property to assist staff members in their job responsibilities or for the staff members' convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be shared with other staff members. The staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee, or immediate supervisor.

School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school district policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal papers and effects in these facilities or school district-owned property.

Adopted:



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Family Leave  
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### 4431.1 FAMILY LEAVE

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### A. Introduction

The Board will provide family leave in accordance with the Federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (NJFLA).

FMLA leave for eligible staff members shall be up to twelve weeks leave of absence in a twelve month period upon advance notice to the district for the birth of a son or daughter of the staff member and in order to care for such son or daughter; for the placement of a son or daughter with the staff member for adoption or foster care; in order to care for the spouse, son, daughter, or parent of the staff member if such spouse, son, daughter, or parent has a serious health condition; or for a serious health condition that makes the staff member unable to perform the functions of the position of such staff member, or because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty). In addition, eligible employees may take up to a combined total of twenty-six workweeks in a single twelve month period to care for a covered servicemember with a serious injury or illness.

NJFLA leave for eligible staff members shall be up to twelve weeks leave of absence in any twenty-four month period upon advance notice to the district so that a staff member may provide care made necessary by the birth of a child of the staff member, the placement of a child with the staff member in connection with adoption of such child by the staff member, and the serious health condition of a spouse, parent, or child.

### B. Applicability

The Board will comply with requirements of the New Jersey and Federal Family Leave laws. The laws have similar and different provisions that may provide different rights and obligations for the staff member and/or the Board. The staff member shall be afforded the most favorable rights if there is a conflict in the rights afforded to the staff member under the two laws.

1. If the staff member is eligible for leave for reasons provided under the FMLA and NJFLA, then the time taken shall be concurrent and be applied to both laws.
2. The NJFLA provides twelve weeks leave in a twenty-four month period while the FMLA provides twelve weeks leave in a twelve-month period. A staff member is eligible for up to twelve weeks leave in the first twelve months of the twenty-four month period under the NJFLA. A staff member is eligible for up to twelve weeks leave in the second twelve-month period under the FMLA.



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3. In the event the reason for the family leave is recognized under one law and not the other law, the staff member is eligible for each law's leave entitlements within one twelve-month period. (Example: A staff member may use their FMLA leave for a twelve week family leave for their own pregnancy, which is considered a "serious health condition" under FMLA, and upon conclusion of the twelve week FMLA leave, the staff member would be eligible for a twelve week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.)

### C. Definitions

#### 1. Federal Family and Medical Leave Act (FMLA)

"Contingency operation" means a military operation that results in the call or order to, or retention on, active duty of members of the uniformed services during a war or during a national emergency declared by the President or Congress.

"Covered active duty" or "call to covered active duty" means duty during deployment of a member with the Armed Forces to a foreign country and, in the case of a member of the Reserve components of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation.

"Covered servicemember" means a current member of the Armed Forces (including National Guard or Reserves), who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness; or a covered veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

"Covered veteran" means an individual who was a member of the Armed Forces (including National Guard or Reserves), discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible staff member takes FMLA leave to care for the covered veteran. For a veteran discharged prior to March 8, 2013, the effective date of the FMLA Final Rule, the period between October 28, 2009 and March 8, 2013 will not count towards the determination of the five-year period. 29 CFR § 825.127(b)(2)

"Military caregiver leave" means leave taken to care for a covered servicemember with a serious injury or illness under FMLA. 29 CFR §825.127





“Next of kin of a covered servicemember” means the nearest blood relative other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember’s next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember’s only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember’s next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember’s next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember pursuant to 29 CFR §825.122(k). 29 CFR §825.127(d)(3)

“Outpatient status” means, with respect to a covered servicemember who is a current member of the Armed Forces, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. 29 CFR § 825.127(b)(1)

“Parent” means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined below. This term does not include parents “in law.”

“Parent of a covered servicemember” means a covered servicemember’s biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider. “Serious health condition” may include treatment of substance abuse pursuant to 29 CFR §825.119.



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“Serious injury or illness,” only in the case of a veteran or current member of the Armed Forces, means:

- a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered servicemember in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces and that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
- b. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
  - (1) A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember’s office, grade, rank, or rating; or
  - (2) A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - (3) A physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - (4) An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers. 29 CFR 825 §127(c)



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“Single twelve-month period” means that a military caregiver’s leave begins on the first day the staff member takes FMLA leave and ends twelve months after that date, regardless of the twelve-month period established by the district for other FMLA leave reasons. 29 CFR §825.127(e)(1)

“Son” or “daughter” means a biological, adopted, or foster child, stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen or age eighteen or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.

“Son or daughter of the covered servicemember” means a covered servicemember’s biological, adopted or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age. 29 CFR §825.127(d)(1)

“Son or daughter on covered active duty or call to covered active duty status” means the staff member’s biological, adopted or foster child, stepchild, legal ward, or a child for whom the staff member stood in loco parentis, who is on covered active duty or call to covered active duty status, and who is of any age. 29 CFR §825.126(a)(5)

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under State law in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex marriage or common law marriage. 29 CFR §825.122

“Staff member” means an employee eligible for family and medical leave in accordance with the Federal Family and Medical Leave Act (FMLA).

“Week” or “Workweek” means the number of days a staff member normally works each calendar week.

### 2. New Jersey Family Leave Act (NJFLA)

“Child” means a biological, adopted or foster child, stepchild, legal ward, child of a parent who is under eighteen years of age or a child eighteen years of age or older but incapable of self-care because of a mental or physical impairment.



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“Continuing medical treatment” or “continuing supervision by a health care provider” means a period of incapacity or a period of absence in accordance with N.J.A.C. 13:14.

“Parent” means a biological, adoptive, or foster parent; step-parent; parent-in-law; a legal guardian having a “parent-child relationship” with a child as defined by law; or a person who has sole or joint legal or physical custody, care, guardianship, or visitation with a child.

“Serious health condition” means an illness, injury, impairment, or physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical facility or continuing medical treatment or continuing supervision by a health care provider.

“Spouse” means a person to whom a staff member is lawfully married as defined by New Jersey law.

“Staff member” means an employee eligible for family leave in accordance with the New Jersey Family Leave

“Week” or “Workweek” means the number of days a staff member normally works each calendar week.

### D. Eligibility

#### 1. Federal Family and Medical Leave Act (FMLA)

A staff member shall become eligible for FMLA leave after he/she has been employed at least twelve months in this district and employed for at least 1250 hours of service during the twelve-month period immediately preceding the commencement of the leave. The twelve months the staff member must have been employed need not be consecutive months pursuant to 29 CFR §825.110(b). The minimum 1250 hours of service shall be determined according to the principles established under the Fair Labor Standards Act (FSLA) for determining compensable hours of work pursuant to 29 CFR §785. Entitlement to FMLA leave taken for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care shall expire at the end of the twelve-month period beginning on the date of such birth or placement.



Pursuant to 29 CFR §825.201, a husband and wife both employed by the district are limited to a combined total of twelve weeks of leave during the twelve-month period if the leave is taken for the birth of a son or daughter of the staff member or to care for such son or daughter after birth; for placement of a son or daughter with the staff member for adoption or foster care or in order to care for the son or daughter after placement; or to care for the staff member's parent with a serious health condition.

The method to determine the twelve-month period in which the twelve weeks of FMLA leave entitlement occurs will be the twelve-month period measured forward from when the staff member's first leave begins.

A staff member during any period of FMLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member using FMLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that commenced prior to the FMLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

### 2. New Jersey Family Leave Act (NJFLA)

A staff member shall become eligible for NJFLA leave after he/she has been employed at least twelve months in this district for not less than 1,000 base hours, excluding overtime, during the immediate preceding twelve month period. The calculation of the twelve-month period to determine eligibility shall commence with the commencement of the NJFLA leave. NJFLA leave taken for the birth or adoption of a healthy child may commence at any time within a year after the date of the birth or placement for adoption.

The district shall grant a family leave under NJFLA to more than one staff member from the same family (for example, a husband and a wife, or a brother and a sister) at the same time, provided such staff members are otherwise eligible for the leave. N.J.A.C. 13:14-1.12

A staff member during any period of the NJFLA leave is prohibited from performing any services on a full-time basis for any person for whom the staff member did not provide services immediately prior to commencement of the leave. A staff member on NJFLA leave may commence part-time employment



that shall not exceed half the regularly scheduled hours worked for the district. The staff member may continue the part-time employment that commenced prior to the NJFLA leave at the same number of hours that the staff member was regularly scheduled prior to such leave.

The method to determine the twenty-four month period in which the twelve weeks of NJFLA leave entitlement occurs will be the twenty-four month period measured forward from when the staff member's first leave begins.

### E. Types of Leave

#### 1. Federal Family and Medical Leave Act (FMLA)

A staff member may take FMLA leave to include servicemember qualifying exigency leave or military caregiver leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program.

- a. Leave for the birth of a son or daughter or placement of a son or daughter with the staff member for adoption or foster care may be taken by a staff member intermittently or on a reduced leave schedule.
- b. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition.
- c. Intermittent leave means leave scheduled for periods of time from one hour or more to several weeks; however, the total time within which the leave is taken can not exceed a twelve month period for each serious health condition episode. Intermittent leave may be taken for a serious health condition that requires periodic treatment by a health care provider, rather than one continuous period of time. Intermittent leave may also be taken for absences where the staff member is incapacitated or unable to perform the essential functions of the position because of a serious health condition even if the staff member does not receive treatment by a health care provider. The staff member shall make a reasonable effort to schedule intermittent leave so as not to unduly disrupt the operations of the instructional/educational program.



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- d. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule not exceeding twenty-four consecutive weeks. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.
- e. The fact that a holiday may occur within the week taken by a staff member as Family Leave has no effect and the week is counted as a week of Family Leave. However, if the staff member is out on Family Leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.

- f. Servicemember qualifying exigency leave may arise out of the foreign deployment of the staff member's spouse, child, or parent 29 CFR §§825.122 and 126:
- (1) The district must grant an eligible staff member up to twelve work weeks of unpaid, job-protected leave during a twelve-month period for qualifying exigencies that arise when the staff member's spouse, child, or parent is on covered active duty, or has been notified of an impending call or order to covered active duty.



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- (2) The military member must be the spouse, son, daughter, or parent, of the staff member taking FMLA exigency leave.
- (3) FMLA leave can be granted for one or more of the following exigencies:
  - (a) Short-notice deployment:
    - i. Notification of duty seven or less calendar days prior to date of deployment;
    - ii. Leave can be used for a period of seven calendar days beginning on the date the military member is notified.
  - (b) Military events and related activities, including official ceremonies, programs, or events sponsored by the military and related to the covered active duty or call to covered active duty status of the military member; and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross.
  - (c) Childcare and school activities including arranging for alternative childcare; providing childcare on an urgent, immediate need basis (not routine, regular, or everyday basis); to enroll in or transfer to a new school or day care facility; or to attend meetings with staff at a school or day care facility:
    - i. The son or daughter must be the son or daughter of the covered servicemember.
  - (d) Financial and legal arrangements made to address the military member's absence while on covered active duty or call to covered active duty status.
  - (e) Counseling, provided by someone other than a health care provider for oneself, for the military member, or qualified child, if the need arises from the covered active duty or call to covered active duty status of the military member.





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- (f) Rest and Recuperation (R&R) to spend time with the military member on short-term, temporary R&R leave during a term of deployment:
    - i. Can be used for a period of fifteen calendar days beginning on the date the military member commences each instance of R&R leave.
  - (g) Post-deployment activities such as ceremonies or briefings including any that arise from the death of the military member while on covered active duty.
  - (h) Parental care for one meeting the definition of a "parent" and incapable of self care including: arranging alternative care; providing care on an immediate need basis; and to attend meetings or arrange services at a care facility.
  - (i) Additional activities in accordance with 29 CFR §825.126(b)(9).
- g. Military caregiver leave provides care for a covered servicemember with a serious injury or illness 29 CFR §§825.122 and 127:
- (1) The district must grant up to a total of twenty-six workweeks of unpaid, job-protected leave during a "single twelve-month period" to care for a covered servicemember with a serious injury or illness.
    - (a) The eligible staff member must be the spouse, son, daughter, parent, or next of kin of the covered servicemember.
    - (b) The staff member is limited to a combined total of twenty-six workweeks for any FMLA-qualifying reasons during the single twelve-month period. Up to twelve of the twenty-six weeks may be for an FMLA-qualifying reason other than military caregiver leave.
    - (c) Spouses who are eligible for FMLA leave and are employed by the same covered employer may be limited to a combined total of twenty-six workweeks of leave during



a single twelve-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full twenty-six workweeks of FMLA leave.

- (2) Leave entitlement is applied on a per-covered-servicemember, per-injury basis.
  - (a) The staff member may take an additional twenty-six weeks of leave if the leave is to care for different covered servicemembers or to care for the same servicemember with a subsequent serious injury or illness, except that no more than twenty-six weeks of leave may be taken within any single twelve-month period.
  - (b) An eligible staff member may take military caregiver leave to care for more than one current service member or covered veteran at the same time or for the same family member with the same serious injury or illness both when the family member is a current servicemember and when the family member is a veteran.
  - (c) Military caregiver leave may be taken by eligible staff members whose family members are recent veterans with serious injuries or illnesses incurred or aggravated in the line of duty on active duty, and that manifested before or after the veteran left active duty.

### 2. New Jersey Family Leave Act (NJFLA)

A staff member may take NJFLA leave in consecutive weeks, as intermittent leave, or as reduced leave. A staff member who requests intermittent or reduced leave shall make a reasonable effort to schedule such leave so as not to unduly disrupt the instructional/educational program. The district shall not require a staff member to take a leave of absence beyond the period of time the staff member requests family leave. N.J.A.C. 13:14-1.5(f)



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- a. In the case of a family member who has a serious health condition, leave may be taken intermittently when medically necessary. The total time within which the leave is taken, can not exceed a twelve-month period for each serious health condition episode. The staff member will provide the district with prior notice of the leave in a manner which is reasonable and practicable; and the staff member shall make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the instructional/educational program. In the case of the birth or adoption of a healthy child, the leave may be taken intermittently only if agreed to by the staff member and the district.
- b. Reduced leave means leave scheduled for fewer than the staff member's usual number of hours worked per workweek, but not fewer than a staff member's usual number of hours worked per workday, unless otherwise agreed to by the staff member and the district. A staff member is entitled, at the option of the staff member, to take leave on a reduced leave schedule for a period not exceeding twenty-four consecutive weeks. The staff member is not entitled to take the leave on a reduced leave schedule without an agreement between the staff member and the district if the leave is taken for the birth or adoption of a healthy child. The staff member shall make a reasonable effort to schedule reduced leave so as not to unduly disrupt the operations of the instructional/educational program. The staff member shall provide the district prior notice of the care, medical treatment or continuing supervision by a health care provider necessary due to a serious health condition of a family member in a manner that is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave to which a staff member is entitled.
- c. The fact that a holiday may occur within the week taken by a staff member as family leave has no effect and the week is counted as a week of family leave. However, if the staff member is out on family leave and the school district is closed and the staff member would not be expected to report for work for one or more weeks, the weeks the school district is closed for this staff member do not count against the staff member's family leave entitlement.

Any leave time remaining after a staff member has exhausted his/her entitlement to intermittent leave in any twelve month period may be taken as consecutive leave or reduced leave, and any leave time remaining after a staff member has exhausted his/her entitlement to reduced leave in any twelve month period may be taken as consecutive leave or intermittent leave.



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### F. Notice

#### 1. Federal Family and Medical Leave Act (FMLA)

- a. Foreseeable Leave - A staff member eligible for FMLA leave must give at least a thirty day written advance notice to the Human Resources Office if the need for the leave is foreseeable based on an expected birth, placement for adoption of foster care, or planned medical treatment for a serious health condition of the staff member or a family member. If thirty days is not practical, the staff member must provide notice "as soon as practicable" which means as soon as both possible and practical, taking into account all the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as thirty days notice "as soon as practical" ordinarily would mean at least verbal notification to the Human Resources Office within one or two business days or when the need for leave becomes known to the staff member. The written notice shall include the reasons for the leave, the anticipated duration of the leave and the anticipated start of the leave.

When planning medical treatment, the staff member must consult with the Human Resources Office and make a reasonable effort to schedule the leave so as not to unduly disrupt the educational program, subject to the approval of the health care provider. Staff members are ordinarily expected to consult with the Human Resources Office prior to scheduling of treatment that would require leave for a schedule that best suits the needs of the district and the staff member.

The district may delay the staff member taking leave for at least thirty days if the staff member fails to give thirty days notice for foreseeable leave with no reasonable excuse for the delay.

- b. Unforeseeable Leave - When the approximate timing of the need for leave is not foreseeable, a staff member should give notice to the Human Resources Office for leave as soon as practicable under the facts and circumstances of the particular case. It is expected the staff member will give notice to the Human Resources Office within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not foreseeable. The staff member should provide notice to the employer either in person or by telephone, telegraph, facsimile machine or other electronic means.



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### 2. New Jersey Family Leave Act (NJFLA)

- a. Foreseeable Leave - A staff member eligible for NJFLA leave must give at least a thirty day advance written notice to the Human Resources Office of the need to take family leave except where the need to take family leave is not foreseeable.
- (1) Notice for leave to be taken for the birth or placement of the child for adoption shall be given at least thirty days prior to the commencement of the leave, except that if the date of the birth or adoption requires leave to begin in less than thirty days, the staff member shall provide such notice that is reasonable and practicable.
  - (2) Notice for leave to be taken for the serious health condition of a family member shall be given at least fifteen days prior to the commencement of leave, except that if the date of the treatment or supervision requires leave to begin in less than fifteen days, the staff member shall provide such notice that is reasonable and practicable.
  - (3) When the Human Resources Office is not made aware that a staff member was absent for family leave reasons and the staff member wants to request the leave be counted as family leave, the staff member must provide timely notice within two business days of returning to work to have the time considered for family leave in accordance with the Family Leave Act.
- b. Unforeseeable Leave - When the need for leave is not foreseeable, the staff member must provide notice "as soon as practicable" which shall be at least verbal notice to the Human Resources Office within one or two business days of the staff member learning of the need to take family leave. Whenever emergent circumstances make written notice impracticable, the staff member may give verbal notice to the Human Resources Office, but any verbal notice must be followed by written notice delivered within five working days.



### G. Leave Designation

An eligible staff member shall designate FMLA or NJFLA leave upon providing notice of the need for the leave or when the need for leave commences. The Human Resources Office shall provide the staff member with this Policy to assist the staff member in determining the type of leave.

### H. Benefits

Whether a staff member is required to use sick time or any other accrued leave time concurrent with FMLA or NJFLA leave time will depend upon either the district's practice or a provision in the district's collective bargaining agreement, if applicable. 29 CFR §825.100

The Board will maintain coverage under any group health insurance policy, group subscriber contract, or health care plan at the level and under the conditions coverage would have been provided if the staff member had continued to work instead of taking the leave. If the staff member was paying all or part of the premium payments prior to the leave, the staff member would continue to pay his/her share during the leave time. Any ten month staff member who is on leave under NJFLA or FMLA at the end of the school year will be provided with any benefits over the summer that the staff member would normally receive if they had been working at the end of the school year.

### I. Returning from Leave

The Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act

A staff member returning from leave shall be entitled to the position he/she held when leave commenced or to an equivalent position of like seniority, status, employment benefits, pay and other conditions of employment. If the district experiences a reduction in force or layoff and the staff member would have lost his/her position had the staff member not been on family leave as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system including a system under any collective bargaining agreement, the staff member shall be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes, and laws. The staff member's tenure and seniority rights, if any, and other benefits shall be preserved, but the staff member shall accrue no additional time toward tenure or seniority for the period of the leave, except as may be provided by law.



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The return of a staff member prior to the expiration of the requested family leave may be permitted by the Board if the return does not unduly disrupt the instructional program or require the Board to incur the cost of continuing the employment of a substitute under contract.

The Board may, in accordance with the provisions of 29 CFR §825.312 delay restoration of employment of a staff member using FMLA leave for the staff member's serious health condition until the staff member submits a fitness-for-duty examination from his/her health care provider indicating that the staff member is able to resume work. In the event the Board requires such a fitness-for-duty examination before restoration of the staff member after leave, the Board will provide the staff member specific notice either at the time the staff member gives notice of the need for leave or immediately after the leave commences and the staff member advises the Board of the medical circumstances for the leave.

If leave is taken under FMLA, and the staff member does not return to work after the leave expires, the Board is entitled to recover health insurance costs paid while the staff member was on FMLA. The Board's right to recover premiums would not apply if the staff member fails to return to work due to:

1. The continuation, onset or recurrence of a serious health condition of the staff member; or
2. Circumstances beyond the staff member's control.

### J. Ineligible Staff Members

1. Federal Family and Medical Leave Act (FMLA)

The district may deny job restoration after FMLA leave if the staff member is a "key employee" as defined in 29 CFR §825.217 if such denial is necessary to prevent substantial and grievous economic injury to the district or the district may delay restoration to a staff member who fails to provide a fitness for duty certificate to return to work for leave that was the staff member's own serious health condition. A "key employee" is a salaried, staff member who is among the highest paid ten percent of the school district staff employed by the district within 75 miles of the worksite. No more than ten percent of the school district staff within 75 miles of the worksite may be "key employees."



In the event the Board of Education believes that reinstatement may be denied to a key employee, the Human Resources Office must give written notice to the staff member at the time the staff member gives notice of the need for leave, or when the need for leave commences, if earlier, that he/she qualifies as a key employee. The key employee must be fully informed of the potential consequences with respect to reinstatement and maintenance of health benefits if the district should determine that substantial and grievous economic injury to the district's operations will result if the staff member is reinstated from leave. The district's notice must explain the basis for the district's finding that substantial and grievous economic injury will result, and if leave has commenced, must provide the staff member a reasonable time in which to return to work. If the staff member on leave does not return to work in response to the notice of intent to deny restoration, the staff member continues to be entitled to maintenance of health insurance.

A key employee's rights under the FMLA continue unless and until the staff member either gives notice that he/she no longer wishes to return to work or the district actually denies reinstatement at the conclusion of the leave period. A staff member is still entitled to request reinstatement at the end of the leave period even if the staff member did not return to work in response to the district's notice. The district will then again determine whether there will be substantial and grievous economic injury from reinstatement based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the district will notify the staff member in writing (in person or by certified mail) of the denial of the restoration.

### 2. New Jersey Family Leave Act

The district may deny family leave to the staff member if the staff member is a salaried employee who is among the highest paid five percent of the school district staff or one of the seven highest paid employees of the district, whichever is greater, if the denial is necessary to prevent substantial and grievous economic injury to the school district's operations. The Human Resources Office shall notify the staff member of the intent to deny the leave at the time the Board of Education determines the denial is necessary. If the leave has already commenced at the time of the district's notification of denial, the staff member shall be permitted to return to work within ten working days of the date of notification.





### K. Verification of Leave

#### 1. Federal Family and Medical Leave Act (FMLA)

The Board requires a staff member's FMLA leave to care for the staff member's seriously ill spouse, son, daughter, or parent; or for a servicemember's qualifying exigency or serious injury; or for illness due to the staff member's own serious health condition, that makes the staff member unable to perform one or more of the essential functions of the staff member's position, be supported by a certification issued by the health care provider of the staff member or the staff member's ill family member. The medical certification required encompasses both physical and psychological care and includes situations where a family member is unable to care for his/her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself/herself to the doctor. It can also include providing psychological comfort and reassurance beneficial to a child, spouse, or parent with a serious health condition who is receiving inpatient or home care and can include situations where the staff member may be needed to substitute for others who normally care for the family member or covered servicemember or to make arrangements for changes in care. The staff member need not be the only individual or family member available to care for the family member or covered servicemember. 29 CFR §825.124

The certification must meet the requirements of 29 CFR §§825.306, 309, and 310 to include: which part of the definition of "serious health condition" applies; the approximate date the serious health condition commenced and its probable duration; whether it will be necessary for the staff member to take intermittent and/or reduced leave; whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity; if additional treatments will be required for the condition; and/or if the patient's incapacity will be intermittent or will require reduced leave. The certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement.

In the event the Human Resources Office doubts the validity of the certification, in accordance with 29 CFR §825.307, the district may require, at the district's expense, the staff member obtain an opinion regarding the serious health condition from a second health care provider designated by the district, but not



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employed on a regular basis by the district. If the second opinion differs from the staff member's health care provider, the district may require, at the district's expense, the staff member obtain the opinion of a third health care provider designated by the district or approved jointly, in good faith, by the district and the staff member. The opinion of the third health care provider shall be final and binding on the district and the staff member.

The district may require re-certification pursuant to the requirements of 29 CFR §825.308. In accordance with 29 CFR §825.309, the staff member on leave must provide a written report to the Human Resources Office every thirty workdays. The report shall include the staff member's status and intended date to return to work. In the event the staff member's circumstances change, the staff member must provide reasonable notice to the Human Resources Office if the staff member intends to return to work on a date sooner than previously noticed to the district. The staff member is not required to take more leave than necessary to resolve the circumstance that precipitated the need for leave. As a condition of returning to work after the leave for the staff member's own serious health condition, and in accordance with 29 CFR §825.310, the district requires a staff member to provide a certification from their health care provider that the staff member is able to resume work.

In accordance with 29 CFR §825.311, the district may delay the taking of FMLA leave to a staff member who fails to provide certification within fifteen days after being requested to do so by the district. In accordance with 29 CFR §825.312, the district may delay the taking of leave until thirty days after the date the staff member provides notice to the district of foreseeable leave or the district may delay continuation of leave if a staff member fails to provide a requested medical certification in a timely manner.

### 2. New Jersey Family Leave Act

The Board shall require the certification of a duly licensed health care provider verifying the purpose of requested NJFLA leave. Certification of a serious health condition of a family member of the staff member shall be sufficient if it states the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition. Certification for the birth or placement of a child need only state the date of birth or date of placement, whichever is appropriate.



In the event the Human Resources Office doubts the validity of the certification for the serious health condition of a family member of the staff member, the district may require, at the district's expense, the staff member to obtain an opinion regarding the serious health condition from a second health care provider designated or approved, but not employed on a regular basis, by the district. If the second opinion differs from the certification the district may require, at the district's expense, that the staff member obtain the opinion of a third health care provider designated or approved jointly by the district and the staff member concerning the serious health condition. The opinion of the third health care provider shall be final and binding on the district and the staff member.

L. Interference with Family Leave Rights

The Federal Family and Medical Leave Act and the New Jersey Family Leave Act prohibit interference with a staff member's rights under the law, and with legal proceedings or inquiries relating to a staff member's rights. Unless permitted by the law, no staff member shall be required to take family leave or to extend family leave beyond the time requested. A staff member shall not be discriminated against for having exercised his/her rights under the Federal Family and Medical Leave Act or the New Jersey Family Leave Act nor discouraged from the use of family leave.

M. Non-Tenured Staff Member

Family leave granted to a nontenured staff member cannot extend the staff member's employment beyond the expiration of his/her employment contract.

N. Record Keeping

In order that staff member's entitlement to FMLA leave and NJFLA leave can be properly determined, the Superintendent shall ensure the keeping of accurate attendance records that distinguish family leave from other kinds of leave. The Superintendent will publish a notice explaining the Act's provisions and provide information concerning the procedures for filing complaints of violations of the FMLA and NJFLA.

O. Processing of Complaints

1. Federal Family and Medical Leave Act (FMLA) 29 CFR §§825.400-401

- a. If there is a dispute between the district and a staff member as to whether leave qualifies as FMLA leave, it should be resolved through discussion between the staff member and the district. Such discussions and the decision shall be documented by the school district.



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- b. The staff member also may file, or have another person file on his/her behalf, a complaint with the United States Secretary of Labor. A complaint may be filed in person, by mail, or by telephone with the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, at any local office of the Wage and Hour Division.
  2. New Jersey Family Leave Act N.J.A.C. 13:14-1.16
    - a. Any complaint alleging a violation of the Act shall be processed in the same manner as a complaint filed under the terms of N.J.S.A. 10:5-1 et seq. and N.J.A.C. 13:4 through the New Jersey Department of Law and Public Safety, Division on Civil Rights.

Implementation of FMLA and NJFLA will be consistent with provisions in collective bargaining agreement(s) in the district.

29 CFR §825 et seq.

29 CFR §785

N.J.S.A. 10:5-1

N.J.A.C. 13:14-1 et seq.

Adopted: 28 February 2002

Revised: 22 June 2006

Revised:



### 4437 MILITARY LEAVE

The Board of Education recognizes that military service rendered by any district employee in the defense of the country or in maintaining preparedness for conflict, foreign or domestic, is a service benefiting all citizens. A permanent or full-time temporary officer and/or employee of the district will be provided military leave and related benefits pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Section 4301 et seq., P.L. 2001 Chapter 351 amending N.J.S.A. 38:23-1, N.J.S.A. 38A:1-1 and N.J.S.A. 38A:4-4., and any other applicable Federal and State laws.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized militia of New Jersey (New Jersey National Guard, New Jersey Naval Militia Joint Command) shall be entitled, in addition to pay received, if any, as a member of the organized militia, to a leave of absence from his or her respective duties without loss of pay or time on all days during which he or she shall be engaged in any period of State or Federal active duty; provided, however, that the leave of absence for Federal active duty or active duty for training shall not exceed ninety work days in the aggregate in any calendar year. Any leave of absence for such duty in excess of ninety work days shall be without pay, but without loss of time. Such leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. A full-time temporary officer or employee who has served under such temporary appointment for less than one year in the district shall receive this leave without pay, but without loss of time.

A permanent or full-time temporary officer or employee of the school district who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve, or United States Marine Corps Reserve, or other organization affiliated therewith, including the National Guard of other States, shall be entitled, in addition to pay received, if any, as a member of a reserve component of the Armed Forces of the United States, to a leave of absence from his or her respective duty without loss of pay or time on all work days on which he or she shall be engaged in any period of Federal active duty, provided, however, that such leave of absence shall not exceed thirty work days in any calendar year. Such leave shall be in addition to the regular vacation or other accrued leave provided to the officer or employee. Any leave of absence for such duty in excess of thirty work days shall be without pay, but without loss of time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year in the district shall receive this leave without pay, but without loss of time.

Military leave with pay is not authorized for Inactive Duty Training (IDT) as defined in N.J.A.C. 5A:2-2.1.



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Military Leave

The district will provide benefits and rights for staff on military leave as required by Federal and State laws.

The military leave requirements in this Policy are the minimum requirements of applicable Federal and State laws. The district, at its option, may provide additional military leave with pay and related benefits.

Pursuant to N.J.S.A. 52:13H-2.1, in accordance with the provisions of Article VIII, Section II, paragraph 5 of the New Jersey Constitution, upon application by the district to the State Treasury and approval of the application by the Director of the Division of Budget and Accounting, reimbursement shall be made by the State of New Jersey for any costs incurred as a result of the provisions of P.L. 2001, Chapter 351.

N.J.S.A. 18A:6-33; 18A:29-11

N.J.S.A. 38:23-1 et seq.; 38A:1-1; 38A:4-4; 52:13H-2.1

N.J.A.C. 5A:2-2.1

Uniformed Services Employment and Reemployment Rights Act  
(USERRA), 38 U.S.C. Section 4301 et seq.

Adopted: 22 June 2006

Revised:



# POLICY

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Children Displaced by Domestic Violence

### 5114 CHILDREN DISPLACED BY DOMESTIC VIOLENCE

The Board of Education will cooperate with the County Office of Education, as appropriate and feasible, in the education of children temporarily displaced by domestic violence. Any student attending the schools of this district, whether regularly enrolled in this or another district, who has been admitted to a shelter for victims of domestic violence will be permitted and encouraged to continue an appropriate educational program with minimal disruption.

The Board will cooperate with other educational institutions in the sharing of pertinent student records and in the establishment of sending-receiving relationships on behalf of displaced children. The confidentiality of all matters concerning displaced children will be strictly observed, and no information regarding the present residence of the child will be released.

N.J.S.A. 18A:38-1 et seq.

Adopted:



## 5250 EXCUSAL FROM CLASS OR PROGRAM

The Board of Education directs that a student be excused from any part of the instructions in health education, family life education, sex education, or instruction that includes dissection of animals that the parent(s) or legal guardian(s) of the student or the adult student finds morally, conscientiously, or religiously offensive. A request for excusal must be presented in a signed statement and submitted to the teacher. The teacher will then indicate in the notes section of the student information system.

An excused student shall be assigned to an alternate program of independent study on a substitute topic within the health education, family life education, or sex education program. The parent's or legal guardian's right of excusal applies to any alternate program as well.

No excused student will be penalized by loss of credit as a result of his/her excusal, but a student will be held accountable for successful completion of any alternate program assigned.

N.J.S.A. 18A:35-4.7

Adopted:





### 5300 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

The American Heart Association estimates many lives could be saved if defibrillators were more widely available. Due to technological advances, automated external defibrillators (AEDs) may be used by lay persons without any training to provide defibrillation within the first minutes of cardiac arrest thereby increasing the victim's chances of survival. In accordance with N.J.S.A. 18A:40-41.a, the Board of Education shall ensure every school in the school district has an AED as defined in N.J.S.A. 2A:62A-24. The AED shall be made available in an unlocked location on school property with an appropriate identifying sign. The AED shall be accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the school district are participating. The AED shall be within reasonable proximity of the school athletic field or gymnasium, as applicable.

A team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during athletic events or team practices, shall be trained in cardio-pulmonary resuscitation and the use of the AED in accordance with the provisions of N.J.S.A. 2A:62A-25.a. The school district shall be deemed to be in compliance with N.J.S.A. 2A:62A-25.a, if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

Each AED in the school district shall be tested and maintained according to the manufacturer's operational guidelines. Notification shall be provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the AED, the type acquired, and its location in accordance with N.J.S.A. 2A:62A-25.b and c.

The school district and its employees shall be immune from civil liability in the acquisition and use of AEDs pursuant to the provisions of N.J.S.A. 2A:62A-27.

In accordance with the provisions of N.J.S.A. 18A:40-41.b, the Superintendent of Schools or designee shall establish and implement an Emergency Action Plan applicable to each school in the school district for responding to a sudden cardiac event including, but not limited to, an event in which the use of an AED may be necessary. The Emergency Action Plan shall be consistent with the provisions of N.J.S.A. 18A:40-41.a and, at a minimum, shall include a list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and in the use of an AED. This list shall be updated, if necessary, at least once in



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Automated External Defibrillators (AEDs)

each semester of the school year. The Emergency Action Plan shall also include detailed procedures on responding to a sudden cardiac event including, but not limited to, the identification of the persons in the school who will be responsible for responding to the person experiencing the sudden cardiac event; calling 911; starting cardio-pulmonary resuscitation; retrieving and using the AED; and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

N.J.S.A. 18A:40-41.a; 18A:40-41.b

Adopted:



### 5306 HEALTH SERVICES TO NONPUBLIC SCHOOLS

A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to students enrolled full-time in the nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

The Board shall provide for the extension of emergency care provided to public school students and to full-time nonpublic school students who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-2.1(a)4. The Board may provide additional services to those required under N.J.A.C. 6A:16-2.5(a) and under conditions as outlined in N.J.A.C. 6A:16-2.5(c).

The nursing services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, third-party contractor, or an independent contractor. The nursing services provided to nonpublic school students shall not include instructional services.

A nonpublic school may decline nursing services required or permitted under N.J.A.C. 6A:16-2.5 by submitting to the Board of Education notification signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29. A student who is enrolled in a nonpublic school and whose parent objects to the student receiving any service provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the service except for a physical or medical examination to determine whether the student is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

The Board shall consider the provision of health services to nonpublic schools based upon the considerations outlined in N.J.A.C 6A:16-2.5(h)1 through 3. The Superintendent or designee shall confer annually with the administrator of the nonpublic school to advise the nonpublic school of the amount of funds allocated by the Department of Education to the nonpublic school; to agree on the basic health services that shall be provided and the additional medical services that may be provided as set forth in N.J.S.A. 18A:40-23 et seq.; to inform the nonpublic school the County Office of Education shall provide assistance in the event an agreement cannot be reached regarding the health services and additional medical services to be provided to the nonpublic school; to assure the nonpublic school receiving services receives a copy of N.J.S.A. 18A:40-23 to 31 and N.J.A.C. 6A:16-2.5; and to assure that a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.



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Health Services To Nonpublic Schools

The Board providing health services to a nonpublic school(s) shall submit information to the Executive County Superintendent on or before October 1 annually that includes: a written statement verifying the required annual conference was held with the nonpublic school; a copy of the contract with another agency to provide the services, if applicable; a copy of the Board meeting minutes approving the contract; and a description of the type and number of services that were provided during the previous school year on a Commissioner of Education approved form. A copy of the information submitted to the Executive County Superintendent shall also be provided to the Chief School Administrator of each nonpublic school within the school district boundaries.

N.J.S.A. 18A:40-23 et seq.

N.J.A.C. 6A:16-2.5 et seq.

Adopted: 16 August 2007

Revised:



### 5308 STUDENT HEALTH RECORDS

The school district shall maintain mandated student health records for each student pursuant to N.J.A.C. 6A:16-2.4. The district will document student health records using a form approved by the Commissioner of Education.

The maintenance and security of student health records shall be in accordance with N.J.A.C. 6A:32-7.4 and 6A:16-2.4. Student health records may be stored electronically or in paper format and shall be maintained separately from other student records in a secure location accessible to authorized personnel while school is in session. The health history and immunization record shall be removed from the student's health record and placed in the student's mandated record upon graduation or termination and kept according to the schedule set forth in N.J.A.C. 6A:32-7.8.

The transfer of student health records when a student transfers to or from a school district shall be in accordance with N.J.A.C. 6A:16-7.1 et seq.

Any Board of Education employee with knowledge of, or access to, information that identifies a student as having HIV infection or AIDS; information obtained by the school's alcohol or drug program which would identify the student as an alcohol or drug user; or information provided by a secondary school student while participating in a school-based alcohol or drug counseling program that indicates a parent, guardian, or other person residing in the student's household is dependent upon or illegally using a substance shall comply with restrictions for sharing such information in accordance with N.J.A.C. 6A:16-2.4(b) through (e) and as required by Federal and State statutes and regulations.

Access to and disclosure of information in a student's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, and 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7, Student Records.

The school district shall provide access to the student's health record to licensed medical personnel not holding educational certification who are working under contract with or as employees of the school district only to the extent necessary to enable the licensed medical personnel to perform their duties. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the student health record necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.



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Student Health Records

Nothing in N.J.A.C. 6A:16-2.4 or in Policy and Regulation 5308 shall be construed to prohibit school personnel from disclosing to students or adults in connection with an emergency the information contained in the student health record if the release is necessary to protect the immediate health or safety of the student or other persons pursuant to N.J.A.C. 6A:32-7.5.

N.J.A.C. 6A:16-2.4 et seq.; 6A:32-7.4 et seq.; 6A:32-7.5 et seq.

Adopted: 16 August 2007  
Revised:



### 5310 HEALTH SERVICES

The Board of Education shall develop and adopt the following written policies, procedures, and mechanisms in accordance with N.J.A.C. 6A:16-2.1(a) for the provision of health, safety, and medical emergency services, and shall ensure staff are informed as appropriate:

1. The review of immunization records for completeness pursuant to N.J.A.C. 8:57-4.1 through 4.20 (Policy and Regulation 5320);
2. The administration of medication to students in the school setting in accordance with N.J.A.C. 6A:16-2.1(a)2. (Policy and Regulation 5330);
3. The review of Do Not Resuscitate (DNR) orders received from the student's parent or medical home (Policy 5332);
4. The provision of health services in emergency situations, including:
  - a. The emergency administration of epinephrine via Epi-pen auto-injector pursuant to N.J.S.A. 18A:40-12.5 (Policy and Regulation 5330);
  - b. The emergency administration of glucagon pursuant to N.J.S.A. 18A:40-12.14 (Policy and Regulation 5338);
  - c. The care of any student who becomes injured or ill while at school or participating in school-sponsored functions (Policy and Regulation 8441);
  - d. The transportation and supervision of any student determined to be in need of immediate care (Policy and Regulation 8441);
  - e. The notification to parents of any student determined to be in need of immediate medical care (Policy and Regulation 8441); and
  - f. The establishment and implementation of an emergency action plan for responding to a sudden cardiac event, including the use of an automated external defibrillator (AED), pursuant to N.J.S.A. 18A:40-41b (Policy and Regulation 5300).
5. The treatment of asthma in the school setting in accordance with the provisions of N.J.A.C. 6A:16-2.1(a)5 (Policy 5335);



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Health Services

6. Administration of student medical examinations, pursuant to N.J.S.A. 18A:40-4, N.J.S.A. 18A:35-4.8, and N.J.A.C. 6A:16-2.2 (Policy and Regulation 5310);
7. Utilization of sanitation and hygiene when handling blood and bodily fluids pursuant to N.J.A.C. 12:100-4.2, Safety and Health Standards for Public Employees, and in compliance with 29 CFR 1910.1030, Public Employees Occupational Safety and Health Program (PEOSH) Bloodborne Pathogens Standards (Policy and Regulation 7420);
8. Provision of nursing services to nonpublic schools located in the school district as required by N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5 (Policy and Regulation 5306);
9. Self-administration of medication by a student for asthma or other potentially life-threatening allergic reaction pursuant to N.J.S.A. 18A:40-12.3, 12.5, and 12.6, and the self-management and care of a student's diabetes as needed pursuant to N.J.S.A. 18A:40-12.15 (Policy and Regulation 5330);
10. Development of an individual healthcare plan and individualized emergency healthcare plan for students with chronic medical conditions, including life-threatening allergies, diabetes, and asthma, requiring special health services in accordance with N.J.S.A. 18A:40-12.11.c, 12.12, 12.13, and 12.15; and N.J.A.C. 6A:16-2.3(b)3xii (Policies and Regulations 5331 and 5338 and Policy 5335); and
11. Management of food allergies in the school setting and the emergency administration of epinephrine to students for anaphylaxis pursuant to N.J.S.A. 18A:40-12.6a through 12.6d (Policy and Regulation 5331).

The Board of Education shall annually adopt the school district's nursing services plan at a regular meeting.

The Board of Education shall comply with the following required health services as outlined in N.J.A.C. 6A:16-2.2:

1. Immunization records shall be reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.24.
2. A Building Principal or designee shall not knowingly admit or retain in the school building any student whose parent has not submitted acceptable evidence of the child's immunization, according to the schedule specified in N.J.A.C. 8:57-4, Immunization of Pupils in School.





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3. The school district shall perform tuberculosis tests on students using methods required by and when specifically directed to do so by the New Jersey Department of Health based upon the incidence of tuberculosis or reactor rates in specific communities or population groups pursuant to N.J.S.A. 18A:40-16.
4. The school district shall immediately report by telephone to the health officer of the jurisdiction in which the school is located any communicable diseases identified as reportable pursuant to N.J.A.C. 8:57-1, whether confirmed or presumed.
5. Each school in the district shall have and maintain for the care of students at least one nebulizer in the office of the school nurse or a similar accessible location, pursuant to N.J.S.A. 18A:40-12.7.
6. Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility pursuant to N.J.S.A. 18A:40-4.
7. The findings of required examinations under 8.b., c., d., and e. below shall include the following components:
  - a. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.24;
  - b. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;
  - c. Health screenings including height, weight, hearing, blood pressure, and vision; and
  - d. Physical examinations.
8. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and 6. above and:
  - a. Prior to participation on a school-sponsored interscholastic or intramural team or squad for students enrolled in any grades six to twelve in accordance with N.J.A.C. 6A:16-2.2(h)1;
  - b. Upon enrollment in school in accordance with N.J.A.C. 6A:16-2.2(h)2;



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- c. When applying for working papers in accordance with N.J.A.C. 6A:16-2.2(h)3;
  - d. For the purposes of the comprehensive Child Study Team evaluation pursuant to N.J.A.C. 6A:14-3.4 in accordance with N.J.A.C. 6A:16-2.2(h)4; and
  - e. When a student is suspected of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 in accordance with N.J.A.C. 6A:16-2.2(h)5.
9. Each school shall have available and maintain an AED, pursuant to N.J.S.A. 18A:40-41a.a(1) and (3), and in accordance with N.J.A.C. 6A:16-2.2(i).
  10. The Board of Education shall make accessible information regarding the New Jersey FamilyCare Program to students who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.
  11. Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.
  12. The Board of Education shall ensure that students receive health screenings as outlined in N.J.A.C. 6A:16-2.2(l).
  13. The school nurse or designee shall screen to ensure hearing aids worn by students who are deaf and/or hard of hearing are functioning properly. The school nurse or designee will ensure any FM hearing aid systems in classrooms or any school equipment in the school building used to assist students hear are functioning properly.

N.J.S.A. 18A:40-4 et seq.  
N.J.A.C. 6A:16-1.3; 6A:16-2.1; 6A:16-2.2

Adopted: 24 July 2003  
Revised: 18 October 2007  
Revised: 15 October 2015  
Revised:



### 5337 SERVICE ANIMALS

In compliance with Title II of the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008, it is the Policy of the Board to permit use of a service animal by an individual with a disability in all areas of the district where the public is normally permitted: in district buildings; on district property; and on vehicles owned, leased, or controlled by the district. (28 CFR §35.136)

#### A. Definitions

1. "Act" means the Americans with Disabilities Act (ADA) as amended by the ADA Amendments Act of 2008.
2. "Designated administrator" means Principal or person designated by the Principal to coordinate these activities.
3. "District" means this school district.
4. "Handler" means the animal's owner who is an individual with a disability or a person, such as a trainer, assisting the owner with control of the service animal.
5. "Service animal" means a dog individually trained to do work or perform a specific job or task for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (28 CFR §36.104)
  - a. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
  - b. The work or tasks performed by a service animal must be directly related to the individual's disability (e.g. navigation, alerting physical support and assistance, preventing or interrupting impulsive or destructive behaviors).
  - c. Work or tasks for the purposes of this definition do not include the provision of emotional support, well-being, comfort, therapy, companionship, or crime deterrence.



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### B. Generally

1. The district shall permit the use of a service animal by an individual with a disability unless:
  - a. The animal is out of control and the animal's handler does not take effective action to control it;
  - b. The animal is not housebroken.
2. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g. voice control, signals, or other effective means). (28 CFR §35.136(d))
3. If an animal is properly excluded, the district shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. (28 CFR §35.136(b))
4. If there are places in the district where it is determined to be unsafe for a handler and service animal, reasonable accommodations will be provided to assure the individual with a disability has equal access to the activity.
5. Unless the need for a service animal is readily apparent, the individual with a disability or his/her parent will be required to provide the district with information that:
  - a. The service animal is required because of a disability; and
  - b. What work or task the animal has been trained to perform.
6. The district may not require documentation, including proof that the animal has been certified, trained, or licensed as a service animal; nor that the dog demonstrates its ability to perform the work or task. (28 CFR §35.136(f))
7. Individuals with a disability who have service animals are not exempt from local animal control or public health requirements.
8. Service animals must be licensed and registered in accordance with State and local laws.



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### C. Delegation of Responsibility

1. The district is not responsible for the care or supervision of a service animal, in accordance with 28 CFR §35.136(e).
  - a. The district is not responsible to pay for or provide a handler to aid the individual with a disability in the control of the service animal.
  - b. The district is responsible to provide assistance to an individual with a disability in performing the tasks required of the individual for the care and maintenance of the service animal.
2. If the district normally charges individuals for damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. (28 CFR §35.136(h))
3. The district will designate relief areas for the service animal which will be included in mobility training and orientation of students and animals new to the school.

### D. Notification and Responsibilities

1. In the event a service animal will be introduced as part of the school community, the designated administrator will develop a comprehensive implementation plan prior to introduction of the service animal into the school to include:
  - a. Notification to parents of students who may be in contact with the service animal;
  - b. Appropriate accommodations:
    - (1) For students who are allergic to the service animal; and/or
    - (2) For students who have fears regarding the service animal.
  - c. Appropriate etiquette regarding service animals to include:
    - (1) Never pet a service animal while it is working;
    - (2) Never feed a working service animal;
    - (3) Do not deliberately startle, tease, or taunt a service animal; and
    - (4) Do not hesitate to ask the handler if he or she would like assistance regarding directions for navigating the facility.



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2. The use of a service animal introduced as part of the school community will require inclusion into the student's Individualized Education Plan (IEP) or the student's Section 504 Accommodation Plan.
3. The district may request, but cannot require, the owner of a service animal introduced as part of the school community and, as included in the student's IEP or Section 504 Accommodation Plan, maintain liability insurance for the service animal. The School Business Administrator/Board Secretary will ensure the school district has appropriate insurance in the event a service animal is introduced as part of the school community.

### E. Miniature Horses

1. Miniature horses, although not included in the Act under the definition of "service animal," may only be permitted if individually trained to do work or perform tasks for the benefit of the individual with a disability and if they meet the assessment factors outlined in 3. below. (28 CFR §35.136(i))
2. Ponies and full size horses are not considered miniature horses.
3. Assessment factors to determine whether the district can reasonably modify its policies, practices, and procedures to allow for the use of miniature horses on its property, facilities, or vehicles include:
  - a. Type, size, and weight of the miniature horse and whether the facility can accommodate those features;
  - b. Whether the handler has sufficient control of the miniature horse;
  - c. Whether the miniature horse is housebroken; and
  - d. Whether the miniature horse's presence compromises legitimate safety requirements necessary for safe operation.
4. All requirements for the use of service animals also apply to the use of miniature horses.

28 CFR §35.136  
28 CFR §36.104

Adopted:



## 5339 SCREENING FOR DYSLEXIA

In accordance with the provisions of N.J.S.A. 18A:40-5.1 et seq., the Board of Education shall ensure 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 pursuant to the provisions of N.J.S.A. 18A:40-5.2. This screening shall be administered no later than the student's completion of the first semester of the second grade.

In the event a student enrolls in the district in Kindergarten through grade six and has no record of being previously screened for dyslexia or other reading disabilities, pursuant to N.J.S.A. 18A:40-5.2, the Board shall ensure the newly-enrolled student is screened for dyslexia and other reading disabilities using a screening instrument selected pursuant to N.J.S.A. 18A:40-5.2. This screening shall be administered at the same time other students enrolled in the student's grade are screened for dyslexia and other reading disabilities or, if other students enrolled in the student's grade have previously been screened, within ninety calendar days of the date the student is enrolled in the district. The screenings shall be administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities.

For the purposes of this Policy, "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 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.

For the purposes of this Policy, "potential indicators of dyslexia or other reading disabilities" means indicators that include, but shall not be limited to, difficulty in acquiring language skills; inability to comprehend oral or written language; difficulty in rhyming words; difficulty in naming letters, recognizing letters, matching letters to sounds, and blending sounds when speaking and reading words; difficulty recognizing and remembering sight words; consistent transposition of number sequences, letter reversals, inversions, and substitutions; and trouble in replication of content.

In accordance with the provisions of N.J.S.A. 18A:40-5.2(a), the Commissioner of Education shall distribute to each Board of Education information on screening instruments available to identify students who possess one or more potential indicators of dyslexia or other reading disabilities. The Commissioner shall provide information on the screening instruments appropriate for Kindergarten through grade two students and on screening instruments that may be suitably used for older students. The Board shall select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities.



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In accordance with provisions of N.J.S.A. 18A:40-5.2(b), the Commissioner shall also develop and distribute to each Board of Education guidance on appropriate intervention strategies for students diagnosed with dyslexia or other reading disabilities.

In the event a student is determined, through the screening conducted in accordance with N.J.S.A. 18A:40-5.3, to possess one or more potential indicators of dyslexia or other reading disabilities pursuant to the provisions of N.J.S.A. 18A:40-5.1 et seq., the Board shall ensure the student receives a comprehensive assessment for the learning disorder. In the event a diagnosis of dyslexia or other reading disability is confirmed by the comprehensive assessment, the Board shall provide appropriate evidence-based intervention strategies to the student, including intense instruction on phonemic awareness, phonics and fluency, vocabulary, and reading comprehension.

In accordance with the provisions of N.J.S.A. 18A:6-131, general education teachers in grades Kindergarten through three, special education teachers, basic skills teachers, English as a second language teachers, reading specialists, learning disabilities teacher consultants, and speech-language specialists are required to complete at least two hours of professional development each year on the screening, intervention, accommodation, and use of technology for students with reading disabilities, including dyslexia. The Board may make these professional development opportunities available to other instructional or support staff members as the Board deems appropriate. This requirement for professional development in reading disabilities may be part of the twenty hours of annual professional development required by N.J.A.C. 6A:9C et seq. Documentation of teachers' fulfillment of this professional development requirement shall be maintained in the district.

N.J.S.A. 18A:40-5.1; 18A:40-5.2; 18A:40-5.3; 18A:40-5.4;  
18A:6-131

Adopted: 19 November 2015  
Revised:





## 5460 HIGH SCHOOL GRADUATION

The Board of Education will recognize the successful completion of the secondary school instructional program by the award of a State-endorsed diploma certifying the student has met all State and local requirements for high school graduation. The Board will annually certify to the Executive County Superintendent each student who has been awarded a diploma has met the requirements for graduation.

### A. High School Graduation Requirements

A graduating student must have earned a minimum of 120 (**four-year high school: no fewer than one hundred twenty**) credits in courses designed to meet all of the New Jersey Student Learning Standards (NJSLS) including, but not limited to, the following credits:

1. \_\_\_ (**At least twenty**) credits in English language arts aligned to grade nine through twelve standards;
2. \_\_\_ (**At least fifteen**) credits in mathematics, including Algebra I or the content equivalent; geometry or the content equivalent; and a third year of mathematics that builds on the concepts and skills of algebra and geometry and that prepares students for college and 21<sup>st</sup> century careers;
3. \_\_\_ (**At least fifteen**) credits in social studies, including satisfaction of N.J.S.A. 18A:35-1 and 18A:35-2; five credits in world history; and the integration of civics, economics, geography, and global content in all course offerings;
4. \_\_\_ (**At least fifteen**) credits in science, including at least five credits in laboratory biology/life science or the content equivalent; one additional laboratory/inquiry-based science course, which shall include chemistry, environmental science, or physics; and one additional laboratory/inquiry-based science course;
5. \_\_\_ (**At least three and three-quarters**) credits in health, safety, and physical education during each year of enrollment, distributed as one hundred fifty minutes per week, as required by N.J.S.A. 18A:35-5, 7, and 8;
6. \_\_\_ (**At least five**) credits in visual and performing arts;



7. \_\_\_ (At least five) credits in world languages or student demonstration of proficiency as set forth in N.J.A.C. 6A:8-5.1(a)2ii(2);
8. \_\_\_ (At least two and one-half) credits in financial, economic, business, and entrepreneurial literacy;
9. Technological literacy, consistent with the NJSLs, integrated throughout the curriculum;
10. \_\_\_ (At least five) credits in 21<sup>st</sup> century life and careers, or career-technical education; and
11. Electives as determined by the high school program sufficient to total a minimum of 120 (must be at least one hundred twenty) credits.

As defined in N.J.A.C. 6A:8-1.3, "credit" means the award for the equivalent of a class period of instruction which meets for a minimum of forty minutes, one time per week during the school year or as approved through N.J.A.C. 6A:8-5.1(a)2.

The high school graduation credit requirement may be met in whole or in part through program completion of a range of experiences that enable students to pursue a variety of personalized learning opportunities, as follows:

1. The district shall establish a process to approve individualized student learning opportunities that meet or exceed the NJSLs.
  - a. Individualized student learning opportunities in all NJSLs areas include, but are not limited, to the following:
    - (1) Independent study;
    - (2) Online learning;
    - (3) Study abroad programs;
    - (4) Student exchange programs; and
    - (5) Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.



- b. Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall:
    - (1) Be based on student interest and career goals as reflected in the Personalized Student Learning Plans;
    - (2) Include demonstration of student competency;
    - (3) Be certified for completion based on the district process adopted according to 2. below; and
    - (4) Be on file in the school district and subject to review by the Commissioner or designee.
  - c. Group programs based upon specific instructional objectives aimed at meeting or exceeding the NJSLS shall be permitted and shall be approved in the same manner as other approved courses.
2. The district shall establish a process for granting of credits through successful completion of assessments that verify student achievement in meeting or exceeding the NJSLS at the high school level, including standards achieved by means of the individualized student learning opportunities enumerated as outlined in N.J.A.C. 6A:8-5.1(a)2. Such programs or assessments may occur all or in part prior to a student's high school enrollment; no such locally administered assessments shall preclude or exempt student participation in applicable Statewide assessments at grades three through twelve.
- a. The district shall choose assessments that are aligned with or exceed the NJSLS and may include locally designed assessments.
  - b. The district shall choose from among the following assessment options to determine if students have achieved the level of language proficiency designated as Novice-High as defined by the American Council on the Teaching of Foreign Languages (ACTFL) and recognized as fulfilling the world languages requirement of the NJSLS:
    - (1) The Standards-based Measurement of Proficiency (STAMP) online assessment;
    - (2) The ACTFL Oral Proficiency Interview (OPI) or Modified Oral Proficiency Interview (MOPI); or
    - (3) Department of Education-approved locally designed competency-based assessments.



3. The district shall establish a process to approve post-secondary learning opportunities that may consist of: Advanced Placement (AP) courses; the College-Level Examination Program (CLEP); or concurrent/dual enrollment at accredited higher education institutions.
    - a. The district shall award credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the NJSLS.
- B. Additional Graduation Requirements
1. Attendance requirements as indicated in Policy and Regulation 5200;
  2. Any statutorily mandated requirements for earning a high school diploma; and
  3. Any Statewide assessment graduation requirements as determined by the New Jersey Department of Education (NJDOE), and as outlined in C. below.
- C. Statewide Assessment Graduation Requirements
1. The requirement that all students demonstrate proficiency in the high school end-of-course Partnership for Assessments of Readiness for College and Careers (PARCC) assessment in ELA 10 and Algebra I, or through the alternate means set forth at N.J.A.C. 6A:8-5.1(f) through (i);
  2. The Board of Education will provide students who have not demonstrated proficiency on the high school end-of-course PARCC assessments in ELA 10 and Algebra I with the opportunity to demonstrate such competence through one of the alternate means set forth below:
    - a. F  
or the graduating classes of 2016, 2017, 2018, and 2019, students who do not take both the ELA 10 and the Algebra I end-of-course PARCC assessments or who take, but do not achieve a passing score on both assessments, as required by N.J.A.C. 6A:8-5.1(a)6, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics in one of the following ways:



- (1) Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or
    - (2) Meet the criteria of the portfolio appeals process; and
  - b. For the graduating class of 2020, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to N.J.A.C. 6A:8-5.1 (a)6, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics in one of the following ways:
    - (1) Achieve a passing score, as determined by the Commissioner, on a corresponding substitute competency test in English language arts and/or mathematics, as applicable, or substitute a passing score on another end-of-course PARCC assessment, including ELA 9, ELA 11, Geometry, or Algebra II; or
    - (2) Meet the criteria of the portfolio appeals process.
3. Beginning with the graduating class of 2021, students who take all applicable high school end-of-course PARCC assessments for all courses in which they are enrolled, including those students who received a waiver for ELA 11 pursuant to N.J.A.C. 6A:8-4.1(c)3i, as of September 6, 2016, and thereafter, but do not achieve a passing score on both the ELA 10 and Algebra I end-of-course PARCC assessments pursuant to N.J.A.C. 6A:8-5.1(a)6, by the conclusion of their senior year and after multiple opportunities to take the assessments, may satisfy the State requirement to demonstrate proficiency in English language arts and mathematics by meeting the criteria of the portfolio appeals process.
4. In accordance with a NJDOE Memorandum dated January 24, 2017, students in the graduating cohort of 2020 and 2021 who completed an Algebra I course prior to September 6, 2016 and:
  - a. Took the PARCC Algebra I assessment, but did not pass and are now in an advanced mathematics course (e.g. Geometry or Algebra II); or



- b. Did not receive a valid test score, but are now in an advanced mathematics course (e.g. Geometry or Algebra II); or
- c. Did not have an opportunity to take the PARCC Algebra I assessment because the NJDOE did not offer a summer test administration, but are now in advanced mathematics course (e.g. Geometry or Algebra II). Only students in the graduating cohorts of 2020 and 2021 described in the three specific groups above in a. b., and c. are eligible to utilize the following pathways to demonstrate proficiency in mathematics:
  - (1) Take or retake the PARCC Algebra I assessment and pass; or
  - (2) Utilize the NJDOE portfolio appeals process, provided they take the PARCC Geometry assessment and the PARCC Algebra II assessment (if enrolled in the Algebra II course) and receive valid scores; or
  - (3) Take and pass the Geometry or Algebra II assessment.
- 5. All English Language Learners (ELLs) shall satisfy the requirements for high school graduation, except ELLs may demonstrate they have attained State minimum levels of proficiency through passage of the portfolio appeals process in their native language, when available, and passage of a Department of Education-approved English fluency assessment.
- 6. Students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act who participate in the alternative assessment for students with disabilities are not required to participate in repeated administration of high school end-of-course PARCC assessments.

## D. Attendance

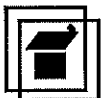
Regular attendance is required for the successful completion of a course of study and graduation. Students are expected to be present in every scheduled class except as their attendance is excused in accordance with Board Policy 5200.

## E. Students with Disabilities

- 1. Through the Individualized Educational Plan (IEP) process and pursuant to N.J.A.C. 6A:14-4.11 - Graduation, the district may specify alternate requirements for a State-endorsed diploma for individual students with disabilities as defined in N.J.A.C. 6A:14-1.3.



- a. The district shall specifically address any alternate requirements for graduation in a student's IEP, in accordance with N.J.A.C. 6A:14-4.11.
  - b. The district shall develop and implement procedures for assessing whether a student with a disability has met the specified alternate requirements for graduation individually determined in an IEP.
2. If a student with a disability attends a school other than that of the school district of residence, which is empowered to grant a diploma, the student shall have the choice of receiving the diploma of the school attended or the diploma of the school district of residence.
  - a. If the school the student is attending declines to issue a diploma to the student, the district of residence Board of Education shall issue the student a diploma if the student has satisfied all State and local graduation requirements, as specified in the student's IEP.
3. If the Board of Education grants an elementary school diploma, a student with a disability who fulfills the requirements of his or her IEP shall qualify for and receive a diploma.
4. Students with disabilities who meet the standards for graduation according to the school district's graduation requirements shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.
5. A student with a disability whose IEP prescribes continued special education programs beyond the fourth year of high school shall be permitted to participate in commencement ceremonies with his/her graduating class and shall receive a certificate of attendance, provided the student has attended four years of high school.
6. When a student with a disability graduates or exceeds the age of eligibility, the student shall be provided a written summary of his or her academic achievement and functional performance prior to the date of the student's graduation or the conclusion of the school year in which he or she exceeds the age of eligibility. The summary shall include recommendations to assist the child in meeting his or her postsecondary goals.



## F. High School Diploma

1. The Board of Education shall award a State-endorsed high school diploma to prospective graduates who have met all of the requirements adopted in accordance with State and local Board of Education requirements.
2. The Board of Education shall not issue a high school diploma to any student not meeting the criteria specified in State and local requirements.
  - a. The district shall provide students exiting grade twelve without a diploma the opportunity for continued high school enrollment to age twenty or until the requirements for a State-endorsed diploma have been met, whichever comes first.
  - b. The district shall allow any out-of-school individual to age twenty who has otherwise met all State and local graduation requirements, but has failed to pass high school end-of-course PARCC assessments to demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f) pursuant to the standards applicable to the student's graduating class. Students in graduating classes prior to 2016 shall demonstrate proficiency as set forth in N.J.A.C. 6A:8-5.1(f)1. Upon certification of passing the test applicable to the student's class in accordance with N.J.A.C. 6A:8, a State-endorsed diploma shall be granted by the high school of record.
3. The Commissioner of Education shall award a State-issued high school diploma in accordance with the provisions of N.J.A.C. 6A:8-5.2(c) and (d).
4. The Board of Education shall award a State-endorsed high school diploma to any currently enrolled student, regardless of grade level, who:
  - a. Has demonstrated proficiency in the high school end-of-course PARCC assessments in ELA 10 and Algebra I, or as set forth in N.J.A.C. 6A:8-5.1(f);
  - b. Has presented official transcripts showing at least thirty general education credits leading to a degree at an accredited institution of higher education; and
  - c. Has formally requested such early award of a State-endorsed high school diploma.





G. Notification

Each student who enters or transfers into the high school and the student's parent(s) will be provided a copy of the school district's requirements for a State-endorsed diploma, and the programs available to assist students in attaining the State-endorsed diploma, in accordance with N.J.S.A. 18A:7C-5.

H. Reporting

The Superintendent, in accordance with N.J.S.A. 18A:7C-7 and 18A:7E-3, shall report annually to the Board of Education at a public meeting not later than September 30, and to the Commissioner of Education:

1. The total number of students graduated;
2. The number of students graduated under the substitute competency test process;
3. The number of students graduated under the portfolio appeals process;
4. The number of students receiving State-endorsed high school diplomas as a result of meeting any alternative requirements for graduation as specified in their IEP's;
5. The total number of students denied graduation from the twelfth grade class; and
6. The number of students denied graduation from the twelfth grade class solely because of failure to pass the high school end-of-course PARCC assessments, substitute competency tests, or portfolio appeals process based on the provisions of N.J.A.C. 6A:8.

I. The Superintendent shall provide to the Executive County Superintendent the district's graduation requirements each year they are evaluated through the Quality Single Accountability Continuum (QSAC) and update the filed copy each time the graduation policy is revised.

N.J.S.A. 18A:7C-1; 18A:35-1; 18A:35-4.9; 18A:35-7; 18A:36-17

N.J.A.C. 6A:8-1 et seq.; 6A:8-5.1; 6A:8-5.2; 6A:14-4.11 et seq.

Adopted: 25 March 2010

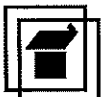
Revised: 19 May 2016

Revised: 30 May 2017

Revised: 19 October 2017

Revised: 17 May 2018

Revised:



# POLICY

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS  
5520/page 1 of 1  
Disorder and Demonstration

### 5520 DISORDER AND DEMONSTRATION

The Board of Education is responsible for providing a thorough and efficient system of education for students in this district and is authorized to preserve order so that the system may function properly. Students will not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that their activities do not infringe on the rights of others and do not interfere with the operation of the educational program.

The Board will not permit the conduct on school premises of any willful activity engaged in by an individual acting alone or by a group of individuals that interferes with the orderly operation of the educational program or offends the rights of others. The Board specifically prohibits any assembly or expression that materially disrupts instruction; is obscene, slanderous, or grossly prejudicial; advocates the use of dangerous or harmful materials; advocates the use of force or the violation of law or school rules; or advertises goods or services for unauthorized commercial gain.

Disorderly students will be disciplined in accordance with law and Board Policy No. 5600; staff members who assist students in disorderly conduct may be subject to disciplinary measures.

The Board directs all staff members to attempt to resolve student conflict and dissent by reason and arbitration. Students who express dissent should be made aware of the lawful procedures available to them for the resolution of their grievances.

The Superintendent shall establish procedures for the prompt resolution of any disorder that occurs on school premises. The Building Principal shall be responsible for the identification and resolution of disorders in any school building and may summon law enforcement officers as necessary.

N.J.S.A. 2C:12-3; 2C:33-1; 2C:33-2; 2C:33-8  
N.J.S.A. 18A:6-1; 18A:37-1; 18A:37-2

Adopted:



## 5700 STUDENT RIGHTS

The Board of Education recognizes that students possess both the right to a free public education and the rights of citizenship. In granting students the educational opportunities to which they are entitled, the Board shall provide them with the nurture, counsel, and custodial care appropriate to students' ages and maturity. At the same time, the Board will respect the right of each student to equal treatment and equal access to the educational program, the due process of law, freedom of expression and association, and the privacy of his/her own thoughts.

Attendant on the rights guaranteed to each student are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the policies and regulations of this district.

As students differ in age and maturity, so they differ in the ability to assume both the rights and the concomitant responsibilities of citizenship. Accordingly, the exercise of each right will be granted with due regard for the degree of responsibility possessed by the student and the student's need for continuing guidance and control.

A student who has reached the age of majority and is emancipated possesses the full rights of an adult and may issue authorizations previously delegated to his/her parent(s) or legal guardian(s). The adult student is fully responsible for his/her educational performance, attendance, compliance with district regulations, and care of school property. The parent(s) or legal guardian(s) of each adult student will be informed of the rights of the student and will continue to be informed of the student's progress in school.

N.J.S.A. 9:17B-1  
N.J.S.A. 18A:36-20

Adopted:



## 5701 PLAGIARISM

- A. Students are expected to be honest in all of their academic work. This means that they will not engage in any of the following acts:
1. Cheating on examinations, including but not limited to, the non-authorized use of books or notes, the use of crib sheets, copying from other students' papers, exchanging information with other students orally, in writing, or by signals, obtaining copies of the examination illegally and other similar activities.
  2. Plagiarism is not permitted in term papers, themes, essays, reports, images, take-home examinations, and other academic work. Plagiarism is defined as stealing or use without acknowledgment of the ideas, words, formulas, textual materials, on line services, computer programs, etc. of another person, or in any way presenting the work of another person as one's own.
  3. Falsifications, including forging signatures, altering answers after they have been graded, the insertion of answers after the fact, the erasure of grader's markings, and other acts that allow for falsely taking credit.
- B. A student found guilty of academic dishonesty may be subjected to a full range of penalties including, but not limited to, reprimand and loss of credit for all of the work that is plagiarized.
- C. A teacher who believes that a student has been academically dishonest in his/her class should resolve the matter in the following manner:
1. Reprimand the student orally and/or in writing. The teacher is also authorized to withhold credit in the work tainted by the academic dishonesty.
  2. If warranted, the teacher shall file a written complaint against the student with the Principal, requesting a more stringent form of discipline. The complaint must describe in detail the academic dishonesty that is alleged to have taken place, and must request that the matter be reviewed by the Superintendent.
  3. The Principal will determine if further discipline of the student is appropriate, and will determine the nature of the discipline on a case-by-case basis.
  4. If the student is not in agreement with the disciplinary action of the Principal, he/she may appeal the action to the Superintendent. If the student is dissatisfied with the Superintendent's disposition of the case, he/she may grieve the action in accordance with Policy No. 5710, Student Grievance.

Adopted:



## 5756 TRANSGENDER STUDENTS

The Board of Education is committed to providing a safe, supportive, and inclusive learning environment for all students. The New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-12(11)(f), generally makes it unlawful for schools to subject individuals to differential treatment based on gender identity or expression. Title IX of the Education Amendments of 1972 ("Title IX") specifically prohibits discrimination on the basis of sex in Federally-funded education programs and activities [20 U.S.C. § 1681(a)].

N.J.S.A. 18A:36-41 directs the Commissioner of Education to establish guidelines outlined in this Policy to provide direction for schools in addressing common issues concerning the needs of transgender students, and to assist schools in establishing policies and procedures that ensure a supportive and nondiscriminatory environment for transgender students.

### Definitions/Terms

A safe and supportive environment within a school begins with understanding and respect. The Board believes students, teachers, and administrators should be provided with common terminology associated with gender identity. The terms listed below are commonly used by advocacy and human rights groups, however students may prefer other terms to describe their gender identity, appearance, or behavior. It is recommended school personnel discuss with the student the terminology and pronouns each student has chosen.

"Gender identity" means a person's internal, deeply held sense of gender. All people have a gender identity, not just transgender people. For transgender people, the individual's internal gender identity is not the same as the gender assigned at birth.

"Gender expression" means external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Society identifies these cues as masculine and feminine, although what is considered masculine or feminine changes over time and varies by culture.

"Assigned sex at birth (ASAB)" refers to the biological sex designation recorded on a person's birth certificate upon the initial issuance of that certificate, should such a record be provided at birth.

"Gender assigned at birth" refers to the gender a child is assigned at birth or assumed to be, based on their biological sex assigned at birth.



“Sexual orientation” describes a person’s enduring physical, romantic, and/or emotional attraction to another person. Gender identity and sexual orientation are not the same. A transgender person may be straight, lesbian, gay, bisexual, or asexual. For example, a person who transitions from male to female and is attracted solely to men may identify as a straight woman.

“Transgender” is a term for an individual whose gender identity and/or gender expression differs from those typically associated with the sex and gender assigned at birth.

“Transition” is the process by which a transgender person recognizes that their authentic gender identity is not the same as the gender assigned at birth, and develops a more affirming gender expression that feels authentic. Some individuals socially transition, for example, through dress, use of names and/or pronouns. Some individuals may undergo physical transition, which might include hormone treatments and surgery. School district personnel should avoid the phrase “sex change,” as it is an inaccurate description of the transition process; the process is more accurately described as “gender-confirming.”

“LGBTQ” is an acronym for “lesbian, gay, bisexual, transgender, and queer/questioning.”

“Gender nonconforming” describes a person whose gender expression does not conform to the gender expectations of their family or community. Gender nonconformity is not necessarily an indication that a youth is transgender; many non-transgender youth do not conform to stereotypical expectations.

“Gender expansive, Gender diverse, Gender fluid, Gender non-binary, A gender, Gender queer” are terms that convey a wider, more flexible range of gender identity and/or expression than typically associated with the binary gender system. For example, students who identify as gender queer or gender fluid might not identify as boys or girls; for these students, the non-binary gender identity functions as the student’s gender identity.

“Cisgender” refers to individuals whose gender identity, expression, or behavior conforms with those typically associated with their sex assigned at birth.

### Student-Centered Approach

The school district shall accept a student’s asserted gender identity; parental consent is not required. A student need not meet any threshold diagnosis or treatment requirements to have his or her gender identity recognized and respected by the school district, school, or school staff members. In addition, a legal or court-ordered name change is not required. There is no affirmative duty for any school district staff member to notify a student’s parent of the student’s gender identity or expression.



# POLICY

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS  
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Transgender Students

There may be instances where a parent of a minor student disagrees with the student regarding the name and pronoun to be used at school and in the student's education records. In the event a parent objects to the minor student's name change request, the Superintendent or designee should consult the Board Attorney regarding the minor student's civil rights and protections under the NJLAD. School staff members should continue to refer to the student in accordance with the student's chosen name and pronoun at school and may consider providing resource information regarding family counseling and support services outside of the school district.

School districts should be mindful of disputes between minor students and parents concerning the student's gender identity or expression. Many support resources are available through advocacy groups and resources from the New Jersey Department of Children and Families and New Jersey Department of Education's "Child Abuse, Neglect, and Missing Children" webpage.

The Principal or designee should have an open, but confidential discussion with the student to ascertain the student's preference on matters such as chosen name, chosen pronoun to use, and parental communications. A transgender student shall be addressed at school by the name and pronoun chosen by the student, regardless of whether a legal name change or change in official school records has occurred. The school shall issue school documentation for a transgender student, such as student identification cards, in the name chosen by the student. A transgender student shall be allowed to dress in accordance with the student's gender identity.

The Principal or designee should also discuss with the student, and any other individuals at the student's request, the risks associated with the student's transgender status being inadvertently disclosed. For example, the Principal or designee should inform the student the transgender status may be revealed due to other students' discussions at home. The Principal or designee should work with the transgender student to ensure awareness of activities and events that may inadvertently disclose the transgender student's status.

### Safe and Supportive Environment

The Board developed and adopted this Policy to ensure that its schools provide a safe and supportive learning environment that is free from discrimination and harassment for transgender students, including students going through a gender transition. Gender-based policies, rules, and practices can have the effect of marginalizing, stigmatizing, and excluding students, whether they are gender nonconforming or not.



# POLICY

## ENGLEWOOD BOARD OF EDUCATION

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Transgender Students

The Superintendent or designee shall review and update existing policies and procedures, including those regarding classroom activities, school ceremonies, school photographs, and dress codes, to verify transgender students are not excluded. In addition, the school district shall take the following steps to establish and maintain a nondiscriminatory environment for all students, including transgender and transitioning students:

- The school district must comply with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7, which prohibit harassment, intimidation, and bullying. The Board is required to develop, adopt, and implement a Policy in accordance with N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.7 that prohibits harassment, intimidation, or bullying on school property, at a school-sponsored function, or on a school bus. If harassment, intimidation, or bullying based on gender identity creates a hostile environment, the school must take prompt and effective steps to end the harassment, intimidation, or bullying, prevent its recurrence, and, as appropriate, remedy its effects.
- The Superintendent or designee should ensure training is provided to school staff members on sensitivity and respect towards transgender students.
- Social and Emotional Learning (SEL) concepts should be incorporated into school culture and curricula.
- The school district may seek a variety of professionals, including counselors and school psychologists, to provide emotional supports for all students who demonstrate a need. The Superintendent or designee shall ensure school counselors are knowledgeable regarding issues and concerns relevant to transgender students, students facing other gender identity issues, or students who may be transitioning.
- Student dress codes should not be enforced more strictly for transgender and gender nonconforming students than for other students.
- The school district shall honor and recognize a student's asserted gender identity, and shall not require any documentation or evidence in any form, including diagnosis, treatment, or legal name change.
- A school's obligation to ensure nondiscrimination on the basis of gender identity requires schools to provide transgender students equal access to educational programs and activities, even in circumstances in which other students, parents, or community members raise objections or concerns.





### Confidentiality and Privacy

School staff members may not disclose information that may reveal a student's transgender status except as allowed by law. The Principal or designee is advised to work with the student to create an appropriate confidentiality plan regarding the student's transgender or transitioning status.

The school district shall keep confidential a current, new, or prospective student's transgender status. Schools should address the student using a chosen name and the student's birth name should be kept confidential by school and school staff members.

Due to a specific and compelling need, such as the health and safety of a student or an incident of bias-related crime, the school district may be obligated to disclose a student's status. In this event, the Principal or designee should inform the student the school or school district intends to disclose the student's transgender status for the student's protection and well-being. Prior to disclosure, the student should be given the opportunity to personally disclose that information. The school district should make every effort to ensure any disclosure is made in a way that reduces or eliminates the risk of re-disclosure and protects the transgender student from further harassment. Those measures may include the facilitation of counseling for the student and the student's family to facilitate the family's acceptance and support of the student's transgender status.

During a harassment, intimidation, or bullying investigation the school district is obligated to develop a procedure to report, verbally and in writing, an act of harassment, intimidation, and bullying committed by an adult or youth against a student, pursuant to N.J.A.C. 6A:16-7.7(a)2viii. In this instance, the Principal or designee should inform the student of the school's obligation to report the findings of the harassment, intimidation, and bullying investigation pursuant to N.J.S.A. 18A:37-15(d), which permits the parents of the students who are parties to the investigation to receive information about the investigation in accordance with Federal and State law and regulation. Under harassment, intimidation, and bullying legal requirements, parents are entitled to know the nature of the investigation; whether the district found evidence of harassment, intimidation, or bullying; or whether disciplinary action was imposed or services provided to address the incident of harassment, intimidation, or bullying.

The Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense, pursuant to N.J.A.C. 6A:16-7.7(a)2viii(2).



# POLICY

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS  
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Transgender Students

Disclosure of personally identifiable information from a student's education record to other school officials within the school district, whom the school district has determined have a legitimate educational interest in the information, may be permissible under Family Educational Rights and Privacy Act (FERPA) (34 C.F.R. § 99.31(a)(1)). The school district shall make a concerted effort to ensure school officials obtain access to only those education records in which they have legitimate educational interests.

The school district shall comply with all laws and regulations regarding the confidentiality of student records and student privacy, including the requirements set forth at 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs, and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7917, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by pupils, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil Records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records; as well as all other existing Federal and State laws and rules pertaining to student records and confidentiality.

### School Records

If a student has expressed a preference to be called by a name other than their birth name, permanent student records containing the student's birth name should be kept in a separate, confidential file. This file should only be shared with appropriate school staff members after consultation with a student. A separate file containing records bearing the student's chosen name may also be kept. If the student has previously been known at school or in school records by a birth name, the Principal or designee should direct school staff members to use the student's chosen name and not the student's birth name.

To ensure consistency among teachers, school administrators, substitute teachers, and other school staff members, every effort should be made to immediately update student education records (for example, attendance records, transcripts, Individualized Education Programs (IEP), etc.) with the student's chosen name and gender pronouns, consistent with the student's gender identity and expression, and not circulate records with the student's birth name, unless directed by the student.



- The school district shall report to the New Jersey Department of Education (NJDOE) through NJ SMART a student's name or gender based upon that student's chosen name and corresponding gender identity. Changing the name or gender identity from what was reported in previous years will not affect the reliability of the data reported.
- If the school district changes a student's name or gender identity, it must also maintain locally a separate record reflecting the student's legal name and sex assigned at birth until receipt of documentation of a legal change of name or gender.

### Activities

With respect to gender-segregated classes or athletic activities, including intramural and interscholastic athletics, all students must be allowed to participate in a manner consistent with their gender identity.

The school district shall:

- Provide transgender students with the same opportunities to participate in physical education as other students in accordance with their gender identity;
- Permit a transgender student to participate in gender-segregated school activities in accordance with the student's gender identity;
- Permit and support the formation of student clubs or programs regarding issues related to lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth; and
- Offer support in the creation of peer led educational groups.

### Use of Facilities

All students are entitled to have access to restrooms, locker rooms, and changing facilities in accordance with their gender identity to allow for involvement in various school programs and activities.



# POLICY

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS  
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Transgender Students

In all cases, the Principal or designee must work with the student and school staff members so all parties are aware of facility policies and understand the student may access the restroom, locker room, and changing facility that corresponds to the student's gender identity. While some transgender students will want this arrangement, others may be uncomfortable with it. Transgender students who are uncomfortable using a sex-segregated restroom should be provided with a safe and adequate alternative, such as a single "unisex" restroom or the nurse's restroom. Similarly, some transgender students may be uncomfortable using the changing facilities that correspond to the student's gender identity. Non-transgender students should also be afforded the option to use a private facility, such as a unisex facility or the nurse's restroom, should they feel uncomfortable.

- The school district shall allow a transgender student to use a restroom or locker room based on the student's gender identity.
- Reasonable alternative arrangements shall be made if needed to ensure a student's safety and comfort. This direction for accommodations should come from the student.

The Superintendent or designee will make available to school staff members a variety of resources regarding professional development opportunities as sourced by the NJDOE as well as developmentally appropriate information for students regarding LGBTQ issues.

The Board adopts this Policy to help school and district administrators take steps to create an inclusive environment in which transgender and gender nonconforming students feel safe and supported, and to ensure each school provides equal educational opportunities for all students, in compliance with N.J.A.C. 6A:7-1.1 et seq.

N.J.S.A. 18A:36-41; 18A:37-15  
N.J.A.C. 6A:7-1.1 et seq.; N.J.A.C. 6A:16-7.7  
New Jersey Department of Education – October 2018  
Transgender Student Guidance for School Districts

Adopted: 15 December 2016  
Revised:



## 5842 EQUAL ACCESS OF STUDENT ORGANIZATIONS

The Board of Education will permit the use of school facilities by student-initiated organizations for non-curricular student activities. A student-initiated organization, regardless of the size of the group, will not be denied an opportunity to meet and use school facilities on the basis of the religious, political, philosophical, or other content of the speech at their meeting.

An application for permission to meet on school premises shall be made to the Superintendent, who shall grant permission provided that he/she determines that:

1. The activity has been initiated by students;
2. Attendance at the meeting is voluntary;
3. No agent or employee of the district will promote, lead, or participate in the meeting;
4. The meeting is for a lawful purpose;
5. The meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;
6. Nonschool persons do not direct, conduct, control, or regularly attend the activity; and
7. The activity is adequately supervised by appropriately certified school district staff.

A student-initiated group granted permission to meet on school premises shall be subject to the same rules and regulations that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The Board will not permit the organization of a fraternity, sorority, or secret society. A student-initiated meeting may not be attended by any outside resource person(s).

Access to school facilities by student organizations will be provided within the governing principles of the First Amendment of the Constitution of the United States.



# POLICY

## ENGLEWOOD BOARD OF EDUCATION

STUDENTS  
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Equal Access of Student Organizations

An appropriately certified staff member shall be assigned to attend a student-initiated meeting in a custodial capacity and shall not participate in the activity while serving in this custodial capacity. No teaching staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The Building Principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

20 U.S.C.A. 1701 et seq.  
United State Department of Education - Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools

Adopted:



## 5850 SOCIAL EVENTS AND CLASS TRIPS

The Board of Education recognizes the value of social events and class trips that will enhance and enrich the school experience for the students of this district.

For purposes of this policy, a "social event" is a party, celebration, or dance organized for the participation of students, and "class trips" are trips taken by students in a single graduating class, students who share a particular interest in an activity, or students who are enrolled in a particular subject area. Social events and class trips are not related or are only indirectly related to the curriculum.

The Board will make school facilities available and assign staff members as appropriate for the conduct of social events on school premises that have been approved by the Superintendent and for social events and class trips away from school premises that have been approved by the Superintendent. A social event or class trip may be considered to have been approved by this Board only when the Board has duly assigned one or more chaperones to supervise participating students. The Board will assume no responsibility for a student social event or trip that has not been approved in accordance with this policy.

The Board will not approve a social event or class trip that has the effect of reducing the school year for participating students to fewer than one hundred eighty days.

The Board reserves the right to cancel any scheduled trip.

Social events or class trips are not part of the thorough and efficient system of education provided by the Board. Participation in them is therefore not a right and may be denied to any student without the due process of notice and an opportunity to be heard. A student who demonstrates disregard for school rules may summarily be denied participation in social events and class trips.

Students who participate in approved social events and class trips are subject to district rules for student conduct and must submit to the authority of assigned chaperones. Infractions of the rules will be subject to discipline in the same manner as are infractions of rules during the regular school program.

A student who possesses or consumes alcohol or drugs in the course of an approved social event or class trip will be deemed to have placed all other participating students at risk and shall be immediately dismissed from the event or trip. Any such student will be returned home by appropriate and safe means of transportation in the company of a chaperone, the student's parent(s)



# POLICY

## ENGLEWOOD BOARD OF EDUCATION

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Social Events and Class Trips

or legal guardian(s), or a representative of the student's parent(s) or legal guardian(s). Any expenses incurred by the dismissal will be the responsibility of the student and/or the student's parent(s) or legal guardian(s).

The Superintendent will develop regulations governing the conduct and safety of all participants in social events and class trips and will distribute them to student and adult participants.

Adopted:





## 5880 PUBLIC PERFORMANCES BY STUDENTS

The Board of Education recognizes the value to students and to the community of the demonstration of student talents and skills in performances of student organizations in public events. The Board endorses such performances when they contribute to the instructional program, do not interfere with scheduled school activities, and do not exploit or endanger participating students.

Public performances of student organizations must be approved in advance by the Superintendent. The members of a student organization invited to perform shall be polled for their willingness to perform. No student may be compelled to participate in an elective public performance or penalized for his/her failure to participate. Approval for a public performance will not be granted unless the staff advisor determines that the number of students who agree to participate is sufficient to represent the school fairly.

When public performances are scheduled as a regular part of a course of study taken for credit, students shall be informed in advance of their obligation to participate; they will be excused from participation only in accordance with Board policy on student attendance.

No student, student organization, or employee of this Board shall receive compensation for the performance in public of students organized for a school activity.

N.J.S.A. 18A:42-2

Adopted:



# Englewood POLICY

STUDENTS

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**School District Issued Student Identification Cards**

## 5517 SCHOOL DISTRICT ISSUED STUDENT IDENTIFICATION CARDS

The Board of Education recognizes school building security measures are important for the safety and welfare of all students, staff, parents, and community members in school buildings. In recognizing this important responsibility, the **Principal or designee shall** requires all students in grades 6 through 12 to carry school district issued identification cards (**Identification Card**). All students must wear their school provided ID card at all times. The ID must be visible and worn around the neck using a school issued breakaway lanyard. The school has provided breakaway lanyards to all students

If a student misplaces their badge or leaves it at home, it is the responsibility of the student to obtain either a new badge or a temporary ID card, through the main office or their homeroom. Students found intentionally damaging their ID's by either cutting, bending, or altering it, will be required to replace their ID immediately.

An Identification Card will be issued to all students in

middle schools,

high schools,.

**The Principal or designee shall require a student to present their Identification Card at any time during the school day or at any time during a school-sponsored activity on school grounds.**



# Englewood POLICY

STUDENTS

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School District Issued Student Identification Cards

Notwithstanding any provision of this Policy, the Principal or designee may also require students carry an Identification Card at any school-sponsored, off-campus activity, including but not limited to, field trips or interscholastic sports programs pursuant to N.J.S.A. 18A:36-43a. The provisions of this Policy shall not be construed to require a student to carry the Identification Card while participating in an athletic contest or competition, an activity involving fine arts or performing arts, or any other activity that the Commissioner of Education determines does not require the physical possession of an Identification Card. An Identification Card used in accordance with N.J.S.A. 18A:36-43a shall include, but need not be limited to, the following information: the student's name; an up-to-date photograph; and the current school year.

Any student who fails to have the Identification Card in their possession or fails to present it when required may be denied access to an event or activity and may be subject to appropriate discipline.

An Identification Card issued in accordance with this Policy shall not be considered a government record pursuant to P.L. 1963, c.73 (N.J.S.A. 47:1A-1 et seq.), P.L. 2001, c.404 (N.J.S.A. 47:1A-5), or the common law concerning access to government records.

**N.J.S.A. 18A:36-43**

Adopted:16 August 2007

Revised:

