

POLICY GUIDE

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[See POLICY MEMO No. 17]

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

5200 ATTENDANCE

In accordance with the provisions of N.J.S.A. 18A:38-25, every parent, guardian, or other person having control and custody of a child between the ages of six and sixteen shall cause the child to regularly attend school. The Board of Education requires the ~~students~~ pupils enrolled in the schools of this district attend school regularly in accordance with the laws of the State. The educational program offered by this district is predicated on the presence of the pupil and requires continuity of instruction and classroom participation. The regular contact of pupils with one another in the classroom and their participation in a well-planned instructional activity under the tutelage of a competent teacher are vital to this purpose.

In accordance with the provisions of N.J.A.C. 6A:16-7.6, a student's absence from Attendance at school may be excused, unexcused that counts toward truancy, or unexcused that does not count toward truancy for certain absences as defined by the Board. All absences for reasons other than excused, shall be unexcused.

~~Students~~ Pupils that are absent from school for any reason are responsible for the completion of assignments missed because of their absence. A ~~No student~~ pupil who is absent from school excused for observing a religious holiday shall not be deprived of an any award, or eligibility, or opportunity to compete for any an award, or deprived of the right to take an alternate test or examination opportunity that was missed because of the absence provided there is a written excuse of such absence signed by the parent to make up a test given on the religious holiday.

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

For districts with secondary school(s)

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



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Students Pupils shall be subjected to the school district's response for unexcused absences **that account toward truancy** during the school year as outlined in N.J.A.C. 6A:16-7.68(a)4 and Regulation 5200.

~~In addition, Unexcused absences from school or from classes within the school day may shall subject a student pupil to consequences the disciplinary rules of the Board, which that may include the denial of a student's pupil's participation in co-curricular activities and/or athletic competition. Repeated absences from school Repeated truancies that interfere with efforts of this Board and its staff in the maintenance of good order and the continuity of classroom instruction and such absences may result in the removal suspension or expulsion of the any student pupil from a class or the course of study during which absences have occurred or the suspension or expulsion in accordance with Policy Nos. 5610 and 5620.~~

The Superintendent shall calculate and monitor the average daily attendance rate for the district and for each school in the district. Whenever the average daily attendance rate ~~for the district or for a school in the district~~ does not meet the New Jersey Department of Education requirements the Superintendent or designee shall develop **a district improvement plan to improve student attendance pursuant to N.J.A.C. 6A:30-5.2** ~~performance objectives to improve pupil attendance pursuant to N.J.A.C. 6A:32-12.2(a)3.~~

N.J.S.A. 18A:36-14 et seq.; 18A:38-25 et seq.
N.J.S.A. 34:2-21.1 et seq.
N.J.A.C. 6A:16-7.68; **6A:32-8.3**

Adopted:



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[See POLICY MEMO. No. 17]

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A. Definitions

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



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B. Attendance Recording

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



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a. ~~A pupil will be considered to have attended school if he/she has been present at least _____ hours during the school day.~~

b. ~~A Kindergarten pupil will be considered to have attended school if he/she has been present at least _____ hours during the Kindergarten session to which the pupil is assigned.~~

7e. A **student** ~~pupil~~ not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

C. Excused/Unexcused Absences

1. **"Excused absence" is a student's absence from school for a full day or a portion of a day for the observance of a religious holiday pursuant to N.J.S.A. 18A:36-14 through 16, for Take Your Child to Work Day, or any other absence determined to be excused by the New Jersey Department of Education.**

2. **"Unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not excused as defined above or for any unexcused absence that does not count toward truancy listed below.**

3. **"Unexcused absence that does not count toward truancy" is a student's absence from school for a full day or a portion of a day for the reasons listed below:**

[Select one or more options below]

2. ~~"Excused absence" is a pupil's absence from school for a full day or a portion of a day for one or more of the following reasons:~~

~~___ a. The student's pupil's illness supported by a written letter from the parent upon student's return to school;~~

~~___ b. Family illness or death, The student's required attendance in court;~~



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- ~~e. Educational opportunities;~~
~~d. Excused religious observances, pursuant to N.J.S.A. 18A:36-14 through 16;;~~

~~e.~~ Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans pursuant to N.J.A.C. 6A:16-2.3;;

~~f.~~ The **student's** ~~pupil's~~ suspension from school;;

~~Family illness or death supported by a written letter from the parent upon the student's return to school;~~

~~Visits to post-secondary educational institutions;~~

~~g. The pupil's required attendance in court;~~

~~h.~~ Interviews with a prospective employer or with an admissions officer of an institution of higher education;;

~~i.~~ Examination for a driver's license;;

~~j.~~ Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;;

~~k.~~ An absence for a reason not listed above, but deemed **unexcused that does not count toward truancy** excused by the **Principal** _____, upon a written request by the **student's** ~~pupil's~~ parent or legal guardian to the Building Principal or designee stating the reason for the absence and requesting permission for the absence to be an **unexcused** ~~excused~~ absence **that does not count toward truancy**;;

~~l.~~ _____;
_____;

~~m.~~ _____.
_____.]



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43. "Truancy" means ten or more cumulative unexcused absences that count toward truancy of a student between the ages of six and sixteen as determined by the Board's Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any unexcused absence not counted toward truancy listed in C.3. above shall be an absence counted toward truancy. ~~is a pupil's absence from all or a part of the school day without the knowledge of the pupil's parent(s) or legal guardian(s). A pupil will also be considered truant if he/she:~~
- a. ~~Leaves school at lunch time without a pass;~~
 - b. ~~Leaves school without permission when school is still in session;~~
 - c. ~~Leaves class because of illness and does not report to the school nurse as directed; or~~
 - d. ~~Is present in school but is absent from class without approval. Such truancy from class is a "class cut."~~
4. ~~"Unexcused absence" is a pupil's absence for all or part of a school day for any reason other than those listed in A2 above.~~

[Optional

- 5a. Instances of tardiness in the number established by Policy No. 5240 ~~may will constitute a single~~ **an unexcused absence that counts toward truancy.]**

DB. Notice to School of a **Student's** Pupil's Absence

1. The parent(s) ~~or legal guardian(s)~~ or adult **student pupil** is requested to call the school office before **the start of the student's school day** _____ a.m. of the morning of the pupil's absence.
2. The parent(s) ~~or legal guardian(s)~~ **of the student or an adult of a student pupil** who **will** attended the morning session, but will not attend the afternoon session should call **or provide notice to** the school office before **the start of the afternoon session** _____ m. to give notice of the pupil's absence.



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3. The parent(s) ~~or legal guardian(s)~~ or adult **student pupil** who anticipates a future absence or anticipates that an absence will be prolonged should notify the **school office** _____, **to arrange** ~~who will assist in the arrangement of~~ make-up work.

EE. Readmission to School After an Absence

1. A **student pupil** returning from an absence of any length **of time** must **provide** ~~present to the~~ _____ a written statement; **that is** dated and signed by the parent(s) ~~or legal guardian(s)~~ or adult **student pupil**, **listing** of the reasons for the absence.
2. A note explaining a **student's pupil's** absence for a noncommunicable illness for a period of more than _____ school days must be accompanied by a physician's statement of the **student's pupil's** illness **with medical clearance to return to school**.
3. A **student pupil** who has been absent by reason of having or being suspected of having a communicable disease must present to the **school nurse** _____ written evidence of being free of communicable disease, in accordance with Policy ~~Nº~~ 8451.

FD. Instruction

1. Teachers **shall** ~~are expected to~~ cooperate in the preparation of home assignments for **students pupils** who anticipate an excused absence of _____ school days duration. The parent(s) ~~or legal guardian(s)~~ or adult **student pupil** must request such home assignments.
2. A **student pupil** who anticipates an ~~excused~~ absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy ~~Nº~~ 2412. The parent(s) ~~or legal guardian(s)~~ or adult **pupil** must request home instruction.
3. **Students Pupils** absent for any reason are expected to make up the work missed. In grade _____ and above, **Tthe parent or student pupil** is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.



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4. In general, **students** pupils will be allowed a **reasonable amount of time as determined by the teacher** _____ day(s) to make up missed work for ~~each one day of absence~~. Teachers shall ~~make reasonable accommodations to extend time for pupils~~.
5. A **student** pupil who missed a test **or an exam** because of an ~~excused absence~~ shall be offered an opportunity to take the test, **exam**, or an **appropriate** alternate test.

GE. Denial of Course Credit

1. The teacher will determine the credit to be awarded a **student** pupil for make-up work, ~~subject to the rules set forth in this section~~. Where class participation is a factor in the learning process, the teacher may consider a **student's** pupil's absences in determining a final grade, except **excused** ~~that absences for the observance of a pupil's religious holiday or absence~~ for a suspension from school **will not** ~~cannot~~ adversely affect the **student's** pupil's grade. The teacher may record an incomplete grade, ~~in accordance with Regulation No. 2624~~, for a **student** pupil who has not had a full opportunity to make up missed work.

[Optional

2. A secondary **student** pupil ~~may~~ will be dropped from ~~a the~~ course ~~and or~~ denied course credit when he/she has been absent from _____ (**number, fraction, or percentage**) or more of the class sessions, whatever the reason for the absence, except that **excused** absences ~~for the observance of religious holidays and or~~ absences caused by a **student's** pupil's suspension will not count toward the total.]

[Options

— Exceptions to this rule may be made for **students** pupils whose absences are ~~excused and~~ who have demonstrated **to the teacher** through completion of **make-up assignments** ~~home assignments and/or home instruction~~ that they have mastered the proficiencies established for the course of study.



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- ___ a. A secondary **student** ~~pupil~~ who has been dropped from a course of study **may** ~~will~~ be assigned to an alternate program.
- ___ ~~b.~~ A secondary **student** ~~pupil~~ denied course credit **after completing the course will be permitted to** ~~may~~ attend a credit completion session to regain the denied credit, provided the **student** ~~pupil~~ has not been absent from the class more than _____ times.]

[Optional

- 3. An elementary **student** ~~pupil~~ **may** ~~will~~ be retained at grade level, in accordance with Policy No. 5410, when he/she has been absent _____ **(number, fraction, or percentage)** or more school days, whatever the reason for the absence, except that **excused** absences ~~for the observance of religious holidays and during a~~ **absences due to student's** ~~pupil's~~ suspension will not count toward the total.]

[Option

___ Exceptions to this rule may be made for **students** ~~pupils~~ ~~whose absences are excused and~~ who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.]

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

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



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- c. **Identify, Develop an action plan** in consultation with the **student's** ~~pupil's~~ parents, or legal guardian **needed action** designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-~~11~~**10**, if a potentially missing or abused child ~~abuse~~ situation is detected; and
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
2. For between five and nine cumulative unexcused absences **that count toward truancy**, the ~~Building~~ Principal or designee shall:
- a. Make a reasonable attempt to notify the **student's** ~~pupil's~~ parent or legal guardian of each unexcused absence prior to the start of the following school day;
 - b. **Make a reasonable attempt to determine the cause of the unexcused absence**, ~~Conduct a follow-up investigation~~, including **through** contact with the **student's** ~~pupil's~~ parent or legal guardian, ~~to determine the cause of each unexcused absence~~;
 - c. Evaluate the appropriateness of the action **taken** ~~plan developed~~ pursuant to **N.J.A.C. 6A:16-7.6(a)4.i.(3) and H.1.c. F.1.e.** above;
 - d. **Develop an** ~~Revise the action plan, as needed, to identify patterns of unexcused absences and to~~ establish outcomes based upon the **student's** ~~pupil's~~ needs and ~~specify the interventions for achieving the outcomes, supporting the pupil's patterns of unexcused absences and to specify the interventions for supporting the student's~~ return to school and regular attendance, **which** ~~that~~ may include any or all of the following:
 - (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;



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- (2) Conduct testing, assessments, or evaluations of the **student's** ~~pupil's~~ academic, behavioral, and health needs;
 - (3) Consider an alternate educational placement;
 - (4) Make a referral to **or coordinate with** a community-based social and health provider agency or other community resource;
 - (5) Refer to **a court or the court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below** ~~designated by the New Jersey Administrative Office of the Courts;~~ and
 - (6) Proceed in accordance with ~~the provisions of~~ N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-4410, if a potentially missing or **abused** child ~~abuse~~ situation is detected; **and**
 - (7) **Engage the student's family.**
- e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
3. For **ten or more** cumulative unexcused absences **that count toward truancy** ~~of ten or more, a student the pupil~~ between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-2527, and the ~~Building~~ Principal or designee shall:
- a. Make a **determination regarding the need for a court mandatory referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below** ~~to the court program required by the New Jersey Administrative Office of the Courts;~~
 - b. ~~Make a reasonable attempt to notify the pupil's parent or legal guardian of the mandatory referral;~~
 - be. Continue to consult with the parent ~~or legal guardian~~ and the involved agencies to support the **student's** ~~pupil's~~ return to school and regular attendance;



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- cd. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
 - de. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.
4. A court referral may be made as follows:
- a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court.
 - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or
 - b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part.
 - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.
54. For a ~~student~~ pupils with a ~~disability~~ disabilities, the attendance plan and its punitive and remedial procedures **shall be applied, where applicable, in accordance with the student's IEP, pursuant to 20 U.S.C. §§ 1400 et seq., of N.J.A.C. 6A:16-7.8 and Policy and Regulation 5200 shall be applied, where applicable, in accordance with the pupil's Individualized Education Programs, pursuant to 20 U.S.C. §1400 et seq.; the Individuals with Disabilities Education Improvement Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plans under 29 U.S.C. §§794 and 705(20); and individualized health care plans and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii. , pursuant to N.J.A.C. 6A:16-2.3.**



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65. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with **N.J.A.C. 6A:16-7.6(a)4.i. and H.1.** ~~F.1. above~~ for each **student pupil** with up to four cumulative unexcused absences **that count toward truancy.**

a. For each **student pupil** attending a receiving school with five or more cumulative unexcused absences **that count toward truancy**, the absences shall be reported to the sending **school** district ~~by the receiving school.~~

(1) The sending school district shall proceed in accordance with the ~~district~~ Board of Education's policies and procedures pursuant to **N.J.A.C. 6A:16-7.6(a) and H.5.** ~~F. above~~ and the provisions of **N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and H.2. through H.5. above** ~~F.2. through F.4. above~~, as appropriate.

IG. Discipline

1. **Students** ~~Pupils~~ may be denied participation in co-curricular activities if ~~their~~ **the Board establishes** attendance ~~fails to meet~~ the standards **for participation** set forth in ~~Policy No. 2430.~~
2. **Students** ~~Pupils~~ may be denied participation in athletic competition if **the Board establishes** ~~their attendance fails to meet~~ the standards **for participation** set forth in ~~Board Policy No. 2431.~~
3. No **student pupil** who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.
4. ~~In addition to the requirements as outlined in F.3.a. through e. above, a pupil deemed truant shall be subject to appropriate pupil discipline.~~
5. ~~The absence of a pupil missing from school for unexplained reasons will be handled in accordance with Regulation No. 8464.~~



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JH. Recording Attendance

1. Teachers must accurately record the ~~students~~ pupils present, tardy, ~~and or~~ absent each day in each session or each class. Attendance records must also record ~~students'~~ pupils' attendance at out-of-school curricular events such as field trips.
2. **A record shall be maintained of each excused absence, unexcused absence that counts toward truancy, and unexcused absence that does not count toward truancy for each student**
~~Teachers must classify and record each absence as excused, unexcused, or truancy.~~
3. ~~The attendance form will be delivered, no later than _____ a.m., to _____, who will verify pupil absences.~~
34. A report card will record the number of times the ~~student~~ pupil was absent and tardy in each marking period.
45. A ~~student's~~ pupil's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

KI. Appeal

1. ~~A truant~~ **Students** pupil may be **subject to appropriate discipline for their school attendance record** ~~suspended or expelled for truanies in accordance with Policy Nos. 5610 and 5620.~~
2. A **student** pupil who has been retained at grade level for excessive absences may appeal that action in accordance with Policy No. 5410.
3. A **student** pupil who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:



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- a. The **student** ~~pupil~~ shall file a written appeal to the **Principal or designee** _____ within five school days of receiving notice of the action. The appeal should state the reasons for ~~admitted~~ **each** absences, ~~any~~ documentation that ~~may~~ **would reduce support reducing** the number of absences **for the purposes of course credit**, and reasons why the **student** ~~pupil~~ should **either** continue to be enrolled in the course ~~and/or~~ receive course credit **for a class the student completed**.
- b. The **Principal or designee** _____ will respond in writing no later than seven ~~school working~~ days after receiving the **student's** ~~pupil's~~ appeal.
- c. If the **student** ~~pupil~~ is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.
- d. On ~~a~~ the **student's** ~~pupil's~~ request **for consideration by an Attendance Review Committee**, the Principal shall convene an Attendance Review Committee ~~consisting of~~ _____, _____, _____, _____, and _____. The Attendance Review Committee shall meet informally to hear the **student's appeal** ~~pupil's reasons for reenrollment and/or credit~~. The **student's** ~~pupil's~~ parent(s) or legal guardian(s) and teacher(s) may attend the meeting.
- e. The Attendance Review Committee shall decide the appeal and inform the **student** ~~pupil~~ in writing within seven ~~school working~~ days of the meeting. ~~The committee may impose conditions on any reenrollment and may require the pupil to agree to those conditions.~~



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- f. The **student pupil** may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education, ~~in that order and~~ in accordance with Policy No. 5710, Pupil Grievance **and N.J.S.A. 18A. An appeal** Resort to the Attendance Review Committee shall be considered to have exhausted the first **two** steps of the grievance **procedure outlined in Policy 5710.**

LJ. Attendance Records Improvement Plan

1. **Attendance records for the school district and each school will be maintained and attendance rates will be calculated as required by the New Jersey Department of Education. The school district will comply with all attendance requirements and any improvement plans as required by the Department of Education** The _____ will collect attendance data from each of the schools in the district and calculate the average daily attendance rate for the district and for each school. The attendance rate shall be calculated by dividing the total number of pupil days present for all pupils by the total possible number of pupil days present for all pupils and multiplying the result by one hundred.
2. ~~When the average daily attendance rate for the district or for a school does not meet the New Jersey Department of Education requirements, performance objectives to improve pupil attendance pursuant to N.J.A.C. 6A:32-12.2(a)3 shall be developed.~~

Adopted:



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5610 SUSPENSION

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

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

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

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

~~Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function shall be immediately removed from the school's regular educational program pending a hearing before the Board of Education to remove the pupil in accordance with N.J.S.A. 18A:37-8 and Policy No. 5611.~~

~~Any pupil who commits an assault, as defined pursuant to N.J.S.A. 2C:12-1, upon a pupil, teacher, administrator, Board member, or other school district employee, with a weapon, other than a firearm, on any school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative education school or program, pending a hearing before the Board of Education in accordance with N.J.S.A. 18A:37-2.2. and Policy 5612.~~



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~~Any pupil who commits an assault, as defined pursuant to N.J.S.A. 2C:12-1, upon a teacher, administrator, Board member, or other school district employee, acting in the performance of his duties in a situation where his authority to so act is apparent, or as a result of the victim's relationship to an institution of public education in New Jersey, not involving the use of a weapon or firearm, shall be immediately suspended from school consistent with procedural due process pending suspension or expulsion proceedings before the Board in accordance with N.J.S.A. 18A:37-2.1.a.~~

~~Pursuant to N.J.S.A. 18A:37-2.1.b., whenever a teacher, administrator, Board member, school district employee or a labor representative on behalf of an employee makes an allegation in writing that the Board member or employee has been assaulted by a pupil, the Principal shall file a written report with the Superintendent. The Superintendent, upon receiving such report shall report the alleged assault to the Board at the next regular Board meeting; provided the name of the pupil who allegedly committed the assault; although it may be disclosed to the Board members, shall be kept confidential to the public at the Board meeting. A person failing to file a report of an alleged assault may be liable to disciplinary action.~~

In accordance with the provisions of N.J.S.A. 18A:37-4, aA student pupil may be suspended only by the ~~Building~~ Principal, who shall report any suspension to the Superintendent as soon as possible. The Superintendent shall report the suspension to the Board at its next regular meeting. The suspended **student pupil** may be reinstated by the Principal within _____ days of the suspension, or by the Superintendent **prior to** at any time before the second **regular** meeting of the Board following the suspension, **unless the Board reinstates the student at the first regular meeting.** ~~or by the Board of Education at the first meeting following the suspension, except that N~~**o student pupil** suspended for reasons of assault upon a person in authority may be reinstated before the Board has held a hearing, within thirty calendar days of the suspension, to consider that **student's pupil's** expulsion from school. At its second regular meeting after the suspension and thereafter, the Board alone may reinstate the **student pupil** or continue the suspension.

Optional

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



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

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

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

In each instance of a short- or long-term suspension, the district shall provide academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8-3.1 **et seq.**, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10. These services shall be provided within five school days of the suspension. Educational services provided to a **student pupil** with a disability shall be provided consistent with the **student's pupil's** Individualized Education Program, in accordance with N.J.A.C. 6A:14. ~~At the completion of a short-term suspension, the general education pupil shall be returned to the general education program.~~

Student records are subject to challenge by parents and adult students in accordance with N.J.A.C. 6A:32-7.7 and ~~The records of a pupil disciplined by suspension will be expunged in accordance with Policy and Regulation No. 8330. All record of a suspension will be immediately expunged if the pupil is found innocent of the charges levied. The name of a disciplined~~ **student pupil** will not appear in the agenda or minutes of a public meeting or in any public record of this district; any such **student pupil** will be designated by code.

N.J.S.A. 18A:37-1 **et seq.**; **18A:37-2 et seq.**; **18A:37-4; 18A:37-5**
N.J.S.A. 18A:54-20g [**vocational districts**]
N.J.A.C. 6A:16-7.2; 6A:16-7.3; **6A:32-7.7**; 6A:14-2.8 ~~et seq.~~
20 U.S.C. 1415

Adopted:



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[See POLICY ALERT Nos. 176 and 203]

R 5610 SUSPENSION PROCEDURES

A. Short-Term Suspensions

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



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- c. Oral or written notification to the **student's** ~~pupil's~~ parent(s) or legal guardian(s) of the **student's** removal from the **student's** ~~pupil's~~ educational program prior to the end of the school day on which the ~~Building Principal or designee makes the decision~~ **decides** to suspend the **student**. The notification ~~pupil~~, which shall include an explanation of:
- (1) The specific charges;
 - (2) The facts on which the charges are based;
 - (3) The provision(s) of the ~~pupil~~ code of **student** conduct the **student** ~~pupil~~ is accused of violating;
 - (4) The **student's** ~~pupil's~~ due process rights, pursuant to **N.J.A.C. 6A:16-7.1(c)3** and N.J.A.C. 6A:16-7.2 through 7.6; and
 - (5) The terms and conditions of the suspension.
- d. Appropriate supervision of the **student** ~~pupil~~ while waiting for the **student's** ~~pupil's~~ parent(s) or legal guardian(s) to remove the **student** ~~pupil~~ from school during the school day; and
- e. Academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1, which may include a public education program provided in accordance with the provisions of N.J.A.C. 6A:16-9 or 10.
- (1) ~~Services shall be provided within five school days of the suspension.~~
 - (2) ~~Educational services provided to a pupil with a disability shall be provided consistent with the pupil's Individualized Education Program in accordance with N.J.A.C. 6A:14.~~



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- ~~(3) — At the completion of a short-term suspension, the district Board of Education shall return the general education pupil to the general education program.~~
- (1) **The student's academic instruction shall be provided within five school days of the suspension.**
- (2) **At the completion of a short-term suspension, the Board of Education shall return a general education student to the general education program for which he or she was suspended.**
- (3) **The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.**
2. ~~The suspending Building Principal~~ **suspending the student** shall immediately report the suspension to the Superintendent, who ~~shall is required to report it to the~~ Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
- ~~3. — A Board may deny the pupil participation in extracurricular activities, school functions, sports, or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.~~
3. **An appeal of the Board's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.**
4. For a **student pupil** with a disability, the provisions set forth in ~~this section~~ **N.J.A.C. 6A:16-7.2** shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

B. Long-Term Suspensions

1. In each instance of a long-term suspension, the ~~Building~~ Principal or designee shall assure the rights of a **student pupil** suspended for more than ten consecutive school days by providing the following:



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- a. ~~Immediate N~~otification to the **student pupil** of the charges; prior to the **student's pupil's** removal from school;
- b. **Prior to the suspension,** ~~a~~An informal hearing ~~prior to the suspension in~~ **during** which the **student pupil** is given the opportunity to present **his or her version of events** the ~~pupil's side of the story~~ regarding the ~~his or her pupil's~~ actions leading to the long-term suspension and **is provided notice of** the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
- c. Immediate notification to the **student's pupil's** parent(s) ~~or legal guardian(s)~~ of the **student's pupil's** removal from school;
- d. Appropriate supervision of the **student pupil** while waiting for the **student's pupil's** parent(s) ~~or legal guardian(s)~~ to remove the **student pupil** from school during the school day;
- e. Written notification to the parent(s) ~~or legal guardian(s)~~ by the Superintendent or designee within two school days of the initiation of the suspension, stating:
 - (1) The specific charges;
 - (2) The facts on which the charges are based;
 - (3) The **student's pupil's** due process rights, pursuant to N.J.A.C. **6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3** ~~6A:16-7.2 through 7.6~~; and
 - (4) ~~That F~~urther engagement by the **student pupil** in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the **student's pupil's** right to a free public education, in the event that a decision to expel the **student pupil** is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.45.



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- (a) The Board shall request **from the parent and student** written acknowledgement of the notification **provided** ~~of the provisions of B.1.e.(4) above from the parent(s) or legal guardian(s) and the pupil pursuant to N.J.A.C. 6A:16-7.3(a)5.iv~~ subsequent to the removal ~~of from the student from his or her pupil's~~ educational program, pursuant to N.J.A.C. 6A:16-7.3.
- f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to ~~B.1.j.~~ below;
- g. **For a A student pupil** with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
- h. Information on the **student's** right ~~of the pupil~~ to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)~~78~~;
- i. **Either in- or out-of-school e**Educational services, ~~either in school or out of school,~~ that are comparable to those provided in the public schools for **students pupils** of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with ~~the provisions of~~ N.J.A.C. 6A:16-9 or 10.
 - (1) The **student's educational** services shall be provided within five school days of the suspension.
 - (2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education **student based on the Core Curriculum Content Standards and the following considerations** ~~pupil, at a minimum, based on the following~~ criteria:



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- (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
 - (b) The results of ~~any~~ relevant testing, assessments, or evaluations of the **student pupil**;
 - (c) The **student's pupil's** academic, health, and behavioral records;
 - (d) The recommendation of the Superintendent, ~~Building~~ Principal, or other relevant school or community resource;
 - (e) Considerations of parental input; or
 - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8, ~~as appropriate~~.
- (3) Educational services provided to a **student pupil** with a disability shall be provided consistent with ~~the pupil's Individualized Education Program, in accordance with~~ N.J.A.C. 6A:14.
- j. A formal hearing before the Board **that shall, which,** at a minimum, ~~shall~~:
- (1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations.
 - (a) **Before taking final action,** ~~t~~The Board as a whole shall receive and consider either a transcript or detailed report on ~~such~~ **the** hearing ~~before taking final action~~.



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- (2) Include the opportunity for the **student pupil** to:
 - (a) Confront and cross-examine witnesses, **if** ~~when~~ there is a question of fact; and
 - (b) Present his or her own defense, and produce oral testimony or written supporting affidavits.
 - (3) Take place no later than thirty calendar days following the day the **student pupil** is suspended from the general education program; **and**
 - (4) ~~Not be subject to the provisions of the "Open Public Meetings Act," pursuant to N.J.S.A. 10:4-6; and~~
 - (45) Result in a ~~decision by the Board's~~ **decision that,** ~~which at a minimum,~~ shall be based, **at a minimum,** on the preponderance of competent and credible evidence.
- k. A written statement to the **student's pupil's** parent(s) ~~or legal guardian(s)~~ **regarding** the Board's decision within five school days after the close of the hearing. **The statement shall include** ~~that includes,~~ at a minimum:
- (1) The charges considered;
 - (2) A summary of the documentary or testimonial evidence from both the **student pupil** and the administration that was brought before the ~~district Board of Education~~ at the hearing;
 - (3) Factual findings relative to each charge and the Board's determination of each charge;
 - (4) Identification of the educational services to be provided to the **student, pupil** pursuant to B.1.i. above;



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- (5) The terms and conditions of the suspension; and
 - (6) The right to appeal **to the Commissioner of Education** the Board's decision regarding the **student's** ~~pupil's~~ general education program, ~~to the Commissioner of Education~~ in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- 1. **If at any time it is found that the student did not commit the offense, the student shall be immediately** ~~Immediate~~ returned to the **program from which he or she was removed** ~~general education program~~ if at any time it is found that ~~the general education pupil did not commit the offense; and~~
 - ~~m. For a pupil with a disability found not to have committed the offense, the pupil's program shall be determined in accordance with the provisions of N.J.A.C. 6A:14.; and~~
 - ~~mn.~~ At the completion of a long-term suspension, the Board shall return the general education **student** ~~pupil~~ to the general education program.
- 2. Any appeal of the Board's decision regarding the general education **student's** ~~pupil's~~ program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
 - 3. Suspension of a general education **student** ~~pupils~~ shall not be continued beyond the Board's second regularly **scheduled** meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
 - a. The Board shall determine whether to continue the suspension, pursuant to B.1. above, based on the following criteria:
 - (1) The nature and severity of the offense;



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- (2) The Board's removal decision;
 - (3) The results of ~~any~~ relevant testing, assessments, or evaluations of the **student pupil**; and
 - (4) The recommendation of the Superintendent, **after considering input from the** Principal or Director of the alternative education program or home or other **in-school or** out-of-school instruction program in which the **student pupil** has been placed.
- b. The Board shall develop and adopt policies and procedures providing for action on the continuation of **student pupil** suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event,

[Option – Select option below or develop a local school district option

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

_____.]

4. When the Board votes to continue ~~the suspension of~~ a general education **student's pupil suspension**, **it shall review the case**, ~~the Board~~, in consultation with the Superintendent, ~~shall review the case~~ at each subsequent Board meeting for the purpose of determining:



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- a. The status of the **student's** ~~pupil's~~ suspension;
 - b. The appropriateness of the **suspended student's** current educational program ~~for the suspended pupil~~; and
 - c. Whether the suspended **student's** ~~pupil's~~ current placement, pursuant to B.1.i. above, should continue or whether the **student** ~~pupil~~ should return to the general education program.
5. When the Board votes to continue ~~the suspension of~~ a general education **student's suspension** ~~pupil~~, **it shall make** ~~the Board~~, in consultation with the Superintendent, ~~shall make~~ the final determination on:
- a. When the **student** ~~pupil~~ is prepared to return to the general education program;
 - b. Whether the **student** ~~pupil~~ **will** ~~shall~~ remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
 - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, **N.J.A.C. 6A:16-7.4**, ~~N.J.A.C. 6A:16-7.5~~ and Policy 5620.
6. The Board shall provide a general education **student** ~~pupil~~ suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or ~~appropriate educational~~ services, based on the criteria set forth under B.1.i.(2) above, until the **student** ~~pupil~~ graduates from high school or reaches the age of twenty, whichever comes first.
- a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or



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- b. The educational services provided, either in-school or out-of-school, shall be comparable to those provided in the public schools for **students** ~~pupils~~ of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- 7. For a **student** ~~pupil~~ with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the **student's** ~~pupil's~~ educational placement to an interim or alternate educational setting.
 - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to **a each student** ~~pupil~~ with a disability who is subjected to a long-term suspension.
 - b. All decisions concerning the **student's** ~~pupil's~~ educational program or placement shall be made by the **student's** ~~pupil's~~ Individualized Education Program team.
 - c. The provisions of B.2. through B.6. above shall not apply to **students** ~~pupils~~ with disabilities.

Adopted Issued:



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Removal of **Students** Pupils From the General
Education Program for Weapons/Firearms

Offenses

Jun 14

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[See POLICY ALERT Nos. 135, 144, 147, 158 and 203]

5611 REMOVAL OF STUDENTS PUPILS FROM THE GENERAL EDUCATION PROGRAM FOR WEAPONS/FIREARMS OFFENSES

The Board of Education is committed to providing a safe **and secure** school environment to all **students** pupils attending the public schools. To provide this safe learning environment, the Board of Education will implement policies and procedures regarding **student** pupil offenses involving firearms, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. §921, **pursuant** according to the requirements of, The Zero Tolerance For Guns Act, pursuant to N.J.S.A. 18A:37-7 through N.J.S.A. 37-12.

Policy and Regulation 5611 shall apply to a student who is Any pupil convicted or adjudicated delinquent for possession of a firearm on school grounds, convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds, or committing a crime while in possession of a firearm or found knowingly in possession of a firearm on school grounds. any school property, on a school bus, or at a school-sponsored function A student, other than a student with a disability, convicted or adjudicated delinquent for these firearm offenses shall be immediately removed from the school's general regular educational program for a period of not less than one calendar year and placed in an alternative education school or program according to the requirements of N.J.A.C. 6A:16-9 pending a hearing before the Board of Education to remove the pupil. A student with a disability convicted or adjudicated delinquent for these firearm offenses shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14.

The Principal or designee shall remove the student in accordance with the requirements outlined in N.J.A.C. 6A:16-5.5(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.



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Removal of **Students** Pupils From the General
Education Program for Weapons/Firearms
Offenses

If it is found that the removed student did not commit these firearm offenses, the student shall be immediately returned to the program from which he or she was removed.

~~Any pupil who assaults a pupil, teacher, administrator, Board member, or other school district employee, with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative education school or program, pending a hearing before the Board of Education.~~

~~The Superintendent shall make the final determination on~~ determines whether the **general education student removed in accordance with the requirements of N.J.A.C. 6A:16-5.5 and this Policy** pupil is prepared to return to the regular general education program or **will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9, or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10 based on the criteria outlined in N.J.A.C. 6A:16-5.5(i)** whether the pupil remains in the alternative education program or other educational placement. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14 et seq., Special Education.

If a **student, other than a student with a disability,** pupil is removed from the **general** regular education program **pursuant to N.J.A.C. 6A:16-5.5 and this Policy,** and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the school district **the general education student shall be provided home or other out-of-school instruction according to N.J.A.C. 6A:16-10.2 until placement is available** will provide home or out-of-school instruction in accordance with Policy 2481.

~~Pupils with disabilities who exhibit dangerous or violent behavior, may be removed immediately from the school setting and be disciplined in accordance with Policy No. 2460 and Regulation No. 2460.7.~~



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Removal of ~~Students~~ Pupils From the General
Education Program for Weapons/Firearms
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~~The Board of Education will adopt policies and procedures to ensure cooperation between school staff and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.1.~~

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.5 utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(d)1.

This Policy and Regulation 5611, implementing the requirements of N.J.A.C. 6A:16-5.5, shall be annually disseminated to all school staff, students, and parents.

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

N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5.5 et seq.; 6A:16-6.1 et seq.;

6A:16-7.1 et seq.; 6A:16-8.1 et seq.; 6A:16-9.1 et seq.; **6A:16-10.2**

Adopted:



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Removal of Students for Firearms Offenses

Jun 14

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[See POLICY ALERT Nos. 135, 144, 147, 158 and 203]

R 5611 REMOVAL OF STUDENTS FOR FIREARMS OFFENSES

A. Definitions

“Removal” means the exclusion of a student from the regular education program in the school in which the student was assigned and assigning the student to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.

“Suspension” means a temporary exclusion from school, following due process procedures as outlined in State law and administrative code.

“Expulsion” means a permanent exclusion from school which denies a student the free, thorough, and efficient public education provided by the public school district in which the student resides, based on specific conditions and following required due process procedures as outlined in State law and administrative code, including a hearing conducted by the Board of Education.

“School grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchens and maintenance shops. “School grounds” also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.



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Removal of Students for Firearms Offenses

B. Removal of Students for Firearm Offenses

1. Pursuant to the provisions of N.J.A.C. 6A:16-5.5, any student, other than a student with a disability, committing the following offenses shall be immediately removed from the school's general education program for a period of not less than one calendar year:
 - a. Convicted or adjudicated delinquent for possession of a firearm on school grounds;
 - b. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; and
 - c. Found knowingly in possession of a firearm on school grounds.
2. The Superintendent may modify, on a case-by-case basis, the removal of a general education student.
 - a. The Superintendent shall develop and maintain a written record of case-by-case modifications of the removal requirement of N.J.A.C. 6A:16-5.5(b), which shall be made available to the Commissioner of Education upon request.
3. Nothing in N.J.A.C. 6A:16-5.5 or this Policy and Regulation shall be construed to prohibit the expulsion of a general education student.
4. The Board shall immediately remove students with disabilities for offenses involving firearms in accordance with N.J.A.C. 6A:14 and applicable Federal regulations.

C. Procedures - Removal of Students for Firearm Offenses

1. The Principal shall:
 - a. Remove a student as set forth in B. above;



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Removal of Students for Firearms Offenses

- b. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;
 - c. Immediately report to the Superintendent the removal of the student;
 - d. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and
 - e. Notify the student's parent of the following information:
 - (1) The removal action;
 - (2) The law enforcement notification;
 - (3) The change of custody, if it occurs; and
 - (4) A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.
2. A student, other than a student with a disability, removed from the general education program pursuant N.J.A.C. 6A:16-5.5 shall be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-9.
- a. If placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.
3. A student with a disability removed pursuant to B. above shall receive a placement in accordance with N.J.A.C. 6A:14.



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Removal of Students for Firearms Offenses

4. A student, other than a student with a disability, removed pursuant to B. above shall be entitled to a hearing before the Board of Education in accordance with N.J.A.C. 6A:16-7.3 through 7.5.
 5. If it is found that the removed student did not commit the offenses in B. above, the student shall be immediately returned to the program from which he or she was removed.
- D. Return to General Education Program
1. The Superintendent shall make the final determination on whether the general education student is prepared to return to the general education program, or will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9, or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, based on the following criteria:
 - a. The nature and severity of the offense;
 - b. The Board's removal decision;
 - c. The results of relevant testing, assessment, or evaluation of the student; and
 - d. The recommendation of the Principal or Director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.
- E. Exception
1. The provisions of N.J.A.C. 6A:16-5.5 shall not apply to a firearm that is lawfully stored in a locked vehicle on school grounds, or when it is for activities approved and authorized by the Board of Education, as long as the Board adopts appropriate safeguards to ensure student safety.



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Removal of Students for Firearms Offenses

- a. All students shall obtain written authorization from the Superintendent to possess a firearm stored inside a locked vehicle on school grounds or used for participation in a school-sponsored function.
 - (1) The Superintendent shall not provide authorization to a student who has been convicted or adjudicated delinquent for possession of a firearm or for a crime involving the use of a firearm.

Adopted:



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PUPILS

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Assaults by Pupils on **District Board of Education**

Members or Employees

Jun 14

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[See **POLICY ALERT Nos. 158 and 203**]

5612 ASSAULTS BY PUPILS ON DISTRICT BOARD OF EDUCATION MEMBERS OR EMPLOYEES

Any **student** ~~pupil~~ who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a **teacher, administrator, other school district employee, or** Board member ~~or any district employee acting~~ in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to the school district, **shall be immediately removed from school pursuant to** ~~according to the requirements of N.J.S.A. 18A:37-2.1; and N.J.A.C. 6A:16-5.7.~~ ~~will be immediately suspended from school consistent with due process procedures, pending suspension or expulsion hearings before the Board.~~

A student, other than a student with a disability, who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, shall be immediately removed from school consistent with due process procedures, pending a hearing pursuant to N.J.A.C. 6A:16-7.2 through 7.5. Nothing in N.J.S.A. 18A:37-2.1 or N.J.A.C. 6A:16-5.7 shall be construed as prohibiting the expulsion of a general education student. A student with a disability who commits an assault as defined in this Policy, shall be removed in accordance with N.J.A.C. 6A:14 and due process proceedings in accordance with N.J.A.C. 14-2.7 and 2.8.

In accordance with the provisions of N.J.S.A. 18A:37-2.1(a), said proceedings shall take place no later than thirty calendar days following the day on which the student is suspended. The decision of the Board shall be made within five days after the close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within ninety days of the Board's decision. The provisions herein shall be construed in a manner consistent with 20 U.S.C. § 1400 et seq.

~~This section shall be construed in a manner consistent with 20 U.S.C. § 1400 et seq. and N.J.A.C. 6A:14-2.8. Nothing in this Policy will be construed as prohibiting the removal of a pupil with a disability or the expulsion of a general education pupil.~~



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Assaults by Pupils on **District Board of Education**
Members or Employees

The Principal or designee ~~shall will~~ remove, isolate, and place the **student pupil** under the supervision of school staff until ~~such time as the student's~~ parent(s) or legal guardian(s) or appropriate agency takes custody of the **student pupil**. The Principal ~~or designee~~ will immediately report ~~the removal of the pupil~~ to the Superintendent ~~the removal of the student~~ and notify the **student's pupil's** parent(s) or legal guardian(s) of the removal action and the **student's pupil's** due process rights. **The Principal or designee will notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.**

~~The Board will provide a hearing no later than thirty days following the day on which the pupil is suspended. The decision of the Board will be made within five days after the close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within ninety days of the Board's decision.~~

In accordance with the provisions of N.J.S.A. 18A:37-2.1(b), whenever a teacher, administrator, Board member, other school district employee, or a labor representative on behalf of an employee makes an allegation in writing that the Board member or employee has been assaulted by a student, the Principal shall file a written report of the alleged assault with the Superintendent. The Superintendent shall report the alleged assault to the Board at its next regular meeting; provided that the name of the student who allegedly committed the assault, although it may be disclosed to the Board members, shall be kept confidential at the public Board of Education meeting.

Any person who fails to file a report of an alleged assault as required pursuant to N.J.S.A. 18A:37-2.1 and N.J.A.C. 6A:16-5.7 may be liable to disciplinary action by the Board.

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident under N.J.A.C. 6A:16-5.7 utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1.



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Assaults by Pupils on **District Board of Education**
Members or Employees

Policy and Regulation 5612, implementing the requirements of N.J.A.C. 6A:16-5.7, shall be annually disseminated to all school staff, students, and parents.

N.J.S.A. 18A:37-2.1

**N.J.A.C. 6A:14-2.7; 6A:14-2.8; 6A:16-5.7; 6A:16-7.2; 6A:16-7.3; 6A:16-7.4;
6A:16-7.5**

Adopted:



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Assaults on District Board of Education

Members or Employees

Jun 14

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[See POLICY ALERT No. 203]

R 5612 ASSAULTS ON DISTRICT BOARD OF EDUCATION MEMBERS OR EMPLOYEES

A. Definitions

“Removal” means the exclusion of a student from the regular education program in the school in which the student was assigned and assigning the student to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.

“Suspension” means a temporary exclusion from school, following due process procedures as outlined in State law and administrative code.

“Expulsion” means a permanent exclusion from school which denies a student the free, thorough, and efficient public education provided by the public school district in which the student resides, based on specific conditions and following required due process procedures as outlined in State law and administrative code, including a hearing conducted by the Board of Education.

“School grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchens and maintenance shops. “School grounds” also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.



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Assaults on District Board of Education

Members or Employees

B. Removal of Students for Assault on Board Members and Employees

1. Pursuant to the provisions of N.J.A.C. 6A:16-5.7, any student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a teacher, administrator, other school Board employee, or Board of Education member acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to the school district, pursuant to N.J.S.A. 18A:37-2.1 shall be immediately removed from school.
2. A student, other than a student with a disability, who commits an assault pursuant to B.1. above, shall be immediately removed from school consistent with due process procedures, pending a hearing, pursuant to N.J.A.C. 6A:16-7.2 through 7.5.
 - a. Nothing in N.J.A.C. 6A:16-5.7 shall be construed as prohibiting the expulsion of a general education student.
3. A student with a disability who commits an assault pursuant to B.1. above shall be removed in accordance with N.J.A.C. 6A:14.

C. Procedures – Removal of Students for Assault on Board Members and Employees

1. The Principal or designee shall:
 - a. Remove a student as set forth in B. above;
 - b. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;
 - c. Immediately report to the Superintendent the removal of the student;



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Assaults on District Board of Education
Members or Employees

- d. Notify the student's parent of the removal action and the student's due process rights; and
 - e. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.
2. The Board of Education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.

Adopted:



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Removal of Students for Assaults with Weapons

Offenses

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[See POLICY ALERT No. 203]

5613 REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES

The Board of Education is committed to providing a safe and secure school environment to all students attending the public schools. To provide this environment, the Board of Education will implement policies and procedures regarding a student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, with a weapon, which includes, but is not limited to, items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, upon a teacher, administrator, other school Board employee, Board of Education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5.

A student, other than a student with a disability, who commits an assault as defined above shall be immediately removed from the school's general education program for a period not exceeding one calendar year and placed in an alternative education program according to the requirements of N.J.A.C. 6A:16-9. A student with a disability who commits an assault as defined above shall be immediately removed in accordance with the provisions of N.J.A.C. 6A:14 and applicable Federal regulations and shall receive a placement in accordance with N.J.A.C. 6A:14.

The Principal or designee shall remove the student in accordance with the requirements outlined in N.J.A.C. 6A:16-5.6(d), which includes notifying the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

If it is found that the removed student did not commit these offense(s), the student shall be immediately returned to the program for which he or she was removed.

If a student, other than a student with a disability, is removed from the general education program pursuant to N.J.A.C. 6A:16-5.6 and this Policy, and a placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10.2, until placement is available.



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Removal of Students for Assaults with Weapons
Offenses

The Superintendent shall make the final determination on whether the general education student removed, in accordance with the requirements of N.J.A.C. 6A:16-5.6 and this Policy, is prepared to return to the general education program or will remain in an alternative education program or receive home or other out-of-school instruction based on the criteria outlined in N.J.A.C. 6A:16-5.6(i).

The Superintendent of Schools biannually shall submit to the Commissioner of Education a report on each incident and the circumstance surrounding the removal of students pursuant to N.J.A.C. 6A:16-5.6 utilizing the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e)1.

This Policy and Regulation 5613, implementing the requirements of N.J.A.C. 6A:16-5.6, shall be annually disseminated to all school staff, students, and parents.

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

N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5.6; 6A:16-6.1 et seq.; 6A:16-7.1 et seq.;
6A:16-8.1 et seq.; 6A:16-9.1 et seq.; 6A:16-10.2

Adopted:



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Removal of Students for Assaults with Weapons
Offenses
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[See POLICY ALERT No. 203]

R 5613 REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES

A. Definitions

“Removal” means the exclusion of a student from the general education program in the school in which the student was assigned and assigning the student to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.

“Suspension” means a temporary exclusion from school, following due process procedures as outlined in State law and administrative code.

“Expulsion” means a permanent exclusion from school which denies a student the free, thorough, and efficient public education provided by the public school district in which the student resides, based on specific conditions and following required due process procedures as outlined in State law and administrative code, including a hearing conducted by the Board of Education.

“School grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchens and maintenance shops. “School grounds” also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.



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Removal of Students for Assaults with Weapons
Offenses

B. Removal of Students for Assaults with Weapons Offenses

1. Pursuant to the provisions of N.J.A.C. 6A:16-5.6, any student, other than a student with a disability, who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, with a weapon, which includes, but is not limited to, items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, upon a teacher, administrator, other school Board employee, Board of Education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5 shall be immediately removed from the school's general education program for a period not exceeding one calendar year.
2. The Superintendent may modify on a case-by-case basis the removal of a general education student.
3. Nothing in N.J.A.C. 6A:16-5.6 shall be construed to prohibit the expulsion of a general education student.
4. The Board shall immediately remove students with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations.

C. Procedures – Removal of Students for Assaults with Weapons Offenses

1. The Principal or designee shall:
 - a. Remove a student as set forth in B. above;
 - b. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;
 - c. Immediately report to the Superintendent the removal of the student;
 - d. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and



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Removal of Students for Assaults with Weapons
Offenses

- e. Notify the student's parent of the following information:
 - (1) The removal action;
 - (2) The law enforcement notification;
 - (3) The change of custody, if it occurs; and
 - (4) A general education student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.5 or a student with a disability's due process rights, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.
- 2. A student, other than a student with a disability, removed from the general education program pursuant to N.J.A.C. 6A:16-5.6 shall be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-9:
 - a. If placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.
- 3. A student with a disability removed pursuant to B. above shall receive a placement in accordance with N.J.A.C. 6A:14.
- 4. A student, other than a student with a disability, removed pursuant to B. above shall be entitled to an informal hearing, pursuant to N.J.A.C. 6A:16-7.2 and 7.3, and a hearing before the Board of Education pursuant to N.J.A.C. 6A:16-7.3.
- 5. If it is found that the removed student did not commit the offense(s), the student shall be immediately returned to the program from which he or she was removed.



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Removal of Students for Assaults with Weapons
Offenses

D. Return to General Education Program

1. The Superintendent shall make the final determination on whether the general education student is prepared to return to the general education program or will remain in an alternative education program or receive home or other out-of-school instruction based on the following criteria:
 - a. The nature and severity of the offense;
 - b. The Board's removal decision;
 - c. The results of relevant testing, assessment, or evaluation of the student; and
 - d. The recommendation of the Principal or Director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.

E. Exception

1. The provisions of N.J.A.C. 6A:16-5.6 shall not apply to a student who has obtained the Superintendent's written authorization to lawfully possess a firearm or other weapon while participating in a school-sponsored function.
 - a. The Superintendent shall not provide authorization to a student who has been convicted or adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.

Adopted:



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Expulsion
Jun 14

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

5620 EXPULSION

The Board of Education recognizes that expulsion from this district is the most severe sanction that can be imposed upon a **student pupil**. ~~For the purposes of this policy, "expulsion" means the Board discontinuing the educational services or discontinuing payment of educational services for a general regular education pupil from school pursuant to N.J.S.A. 18A:37-2.~~ **For the purposes of this policy, "expulsion" means the permanent exclusion of a pupil from the regular education program of this district. A pupil may be expelled from this district only on formal action of the Board duly taken.**

The Board may expel a general education **student from school, pursuant to N.J.S.A. 18A:37-2**, ~~pupil~~ only after the Board has provided the procedural due process rights set forth in N.J.A.C. ~~6A:16-7.3~~ **6A:16-7.1(c) 3** and ~~7.4 7.3~~, and as outlined in Policy and Regulation 5610, subsequent to a long-term suspension pursuant to N.J.A.C. 6A:16-7.3; and only after the Board has provided an appropriate educational program or ~~appropriate educational services~~, based on the criteria set forth under N.J.A.C. 6A:16-7.3(f) and as outlined in Regulation 5610. The educational program **or service** shall be consistent with the provisions of N.J.A.C. 6A:16-9.21 **et seq.**, Alternative Educational Programs, and N.J.A.C. 6A:16-10.2, Home or Out-of-School Instruction for General Education Students, and N.J.A.C. 6A:14-2 **et seq.**, Special Education, Procedural Safeguards and N.J.A.C. 6A:14-4.31 **et seq.**, Special Education, Programs and Instruction, whichever are applicable. The educational services provided, either in school or out-of-school, shall be comparable to those provided in the public schools for **students pupils** of similar grades and attainments, pursuant to ~~the provisions of~~ N.J.S.A. 18A:38-25.

~~An Any~~ appeal of the Board's decision regarding the cessation of the **student's pupil's** general education program shall be made to the Commissioner of Education in accordance with N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3-1.3 through 1.17. The Board shall continue to provide an appropriate educational program or ~~appropriate educational services~~ **in accordance with N.J.A.C. 6A:16-7.4(a)2** until a final determination has been made on the appeal of the Board's action to expel a **student pupil**. **A pupil that has been appropriately expelled from the district's regular education program must be afforded by the Board an alternative education program until the pupil is promoted from eighth grade or reaches their fourteenth birthday, whichever comes first.**



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Expulsion

~~The Board shall comply with the mandated pupil removal from general education pursuant to N.J.A.C. 6A:16-7.4. The Board shall follow N.J.A.C. 6A:16-5.5 for pupil removal for firearm offenses, N.J.A.C. 6A:16-5.6 for pupil removal for assaults with weapons offenses, and N.J.A.C. 6A:16-5.7 for pupil removal for assaults on district Board of Education members and employees.~~

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

N.J.S.A. 18A:37-2

N.J.A.C. 6A:16-7.4; ~~6A:16-7.5~~ **6A:14 et seq.**



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OPERATIONS

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Reporting Potentially Missing or Abused Children

Jun 14

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[See POLICY MEMO No. 56]

[See POLICY ALERT Nos. 94, 97, 100, 106, 133, 169, 180 and 203]

8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

The Board of Education recognizes early detection of missing, abused, or neglected children is important in protecting the health, safety, and welfare of all children. In recognition of the importance of early detection of missing, abused, or neglected children, the Board of Education adopts this Policy pursuant to the requirements of N.J.S.A. **18A:36-24 and 18A:36-25**. The Board provides this Policy for its employees, volunteers, or interns to provide for the early detection of missing, abused, or neglected children through notification of, reporting to, and cooperation with the appropriate law enforcement and child welfare authorities pursuant to N.J.S.A. **18A:36-24 and 18A:36-25 et seq., N.J.A.C. 6A:16-11.1,** and N.J.S.A. 9:6-8.10.

Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, and/or neglected children. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

The person having reason to believe that a child may be missing or may have been abused or neglected may, ~~prior to notifying designated child welfare authorities,~~ inform the Building Principal or **other designated school official(s) designee prior to notifying designated child welfare authorities** if the action will not delay immediate notification. The person notifying designated child welfare authorities shall inform the Building Principal or **other designated school official(s) designee** of the notification, if such had not occurred prior to the notification. Notice to the Building Principal or **other designated school official(s) designee** need not be given when the person believes that such notice would likely endanger the reporter or **student pupil** involved or when the person believes that such disclosure would likely result in retaliation against the **student pupil** or in discrimination against the reporter with respect to his or her employment.



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The ~~Building~~ Principal or **other designated school official(s)** ~~designee~~ upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities ~~of incidents of potentially missing, abused, or neglected child situations~~. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

School district officials will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children in accordance with the provisions of N.J.A.C. 6A:16-11.1(a)5.

The district designates _____ as the school district's liaison to designated child welfare authorities to act as the primary contact person between the school district and child welfare authorities with regard to general information sharing and the development of mutual training and other cooperative efforts. The district designates **the Superintendent or designee** _____ as the school district's liaison to law enforcement authorities to act as the primary contact person between the school district and law enforcement authorities, pursuant to N.J.A.C. 6A:16-6.2(b)1, consistent with the ~~M~~memorandum of ~~U~~nderstanding, pursuant to N.J.A.C. 6A:16-6.2(b)13.

An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights, including those rights defined in N.J.A.C. 6A:16-11.1(a)9.

The **Superintendent or designee** _____ shall provide training to school district employees, volunteers, ~~and/or~~ interns on the district's policy and procedures for reporting allegations of missing, abused, or neglected child situations. All new school district employees, volunteers, ~~and/or~~ interns **working in the district** shall receive the required information and training as part of their orientation.

There shall be no reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potentially missing, abused, or neglected child situation pursuant to N.J.S.A. 9:6-8.13.



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Any employee, volunteer, or intern with reasonable cause to suspect or believe a student has attempted or contemplated suicide shall report such information to the Department of Children and Families, Division of Child Protection and Permanency, in a form and manner prescribed by the Division of Child Protection and Permanency pursuant to N.J.S.A. 30:9A-24.a.

N.J.S.A. 18A:36-24; **18A:36-25 et seq.**

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

Adopted:



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[See POLICY ALERT Nos. 97, 100, 133, 169, 180 and 203]

R 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

A. Definitions

1. An “abused child” as defined in N.J.S.A. 9:6-8.9, is a child under the age of eighteen years whose parent, ~~(s) or legal~~ guardian(s), or other person having his/her custody **and** ~~or~~ control:
 - a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
 - b. Creates or allows to be created a substantial or ongoing risk of physical injury to **such** ~~the~~ child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;
 - c. Commits or allows to be committed an act of sexual abuse against the child;
 - d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent,~~(s) or legal~~ guardian(s), or ~~such~~ other person having his/her custody and control, to exercise a minimum degree of care (1) in supplying the child with adequate food, clothing, shelter, education, medical, or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child’s behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;



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- e. Or a child who has been willfully abandoned by his/her parent(s), ~~or legal guardian(s)~~, or ~~such~~ other person having his/her custody and control; **or**
- f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and **(1)** has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being, or **(2)** has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused under ~~this section~~ **N.J.S.A. 9:6-8.9** if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.

- 2. An "Intern" means a post-secondary **student** ~~pupil~~ or graduate **student** in a professional field gaining supervised practical experience.

B. Indications of Child Abuse and/or Neglect

- 1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:
 - a. There is evidence of physical injury to a **student** ~~pupil~~ not likely to have been caused by an accident, regardless of the **student's** ~~pupil's~~ explanation of the injury;
 - b. A **student** ~~pupil~~ complains of having been injured or having been sexually molested, with or without external signs of physical injury;
 - c. A **student** ~~pupil~~ appears to be malnourished;
 - d. A **student's** ~~pupil's~~ general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;



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- e. A **student** ~~pupil~~ complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;
 - f. A **student** ~~pupil~~ is excessively apprehensive, fearful, withdrawn, or aggressive;
 - g. A **student** ~~pupil~~ is afraid to go home after school or arrives to school unreasonably early;
 - h. A parent or the caretaker of a child admits having abused the child;
 - i. The removal from school by the parent(s), ~~or legal guardian(s)~~, or other person having custody and control of the child that may be an indicator of additional grievous abuses; or
 - j. School district personnel have any other **reason** ~~reasonable cause~~ to believe that a child has been subject to child abuse and/or neglect, **to include but not be limited to, physical abuse, sexual abuse, neglect, educational abuse, and educational neglect** ~~or acts of child abuse and/or neglect~~.
- C. Notification Requirements for School District Employees, Volunteers or Interns
- 1. Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, ~~and/or~~ neglected children.
 - a. The person having reason to believe that a child may be missing or may have been abused or neglected may, ~~prior to notifying designated child welfare authorities~~, inform the ~~Building~~ Principal or **other designated school official(s)** ~~designee~~ prior to notifying designated child welfare authorities if the action will not delay immediate notification.



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- b. The person notifying designated child welfare authorities shall inform the ~~Building~~ Principal or **other designated school official(s) designee** of the notification, if such had not occurred prior to the notification.
 - (1) Notice to the ~~Building~~ Principal or **other designated school official(s) designee** need not be given when the person believes ~~that such~~ **the** notice would likely endanger the reporter or **student pupil** involved or when the person believes **the** ~~that such~~ disclosure would likely result in retaliation against the **student pupil** or in discrimination against the reporter with respect to his or her employment.
 - 2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.
- D. School District's Notification to Law Enforcement
- 1. The ~~Building~~ Principal or **other designated school official(s) designee** upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.
 - a. ~~Any school district or building level administrative staff member, in addition to the Building Principal, is authorized by the Board to report and notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.~~
 - a. **Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children shall be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.**



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- b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district.
 - (1) **The notification to appropriate law enforcement authorities on behalf of a student attending a receiving school shall be made to the law enforcement authorities identified in the receiving school's Memorandum of Agreement as required by N.J.A.C. 6A:16-6.2(b)13.**
- 2. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.
- E. School District Cooperation with Designated Law Enforcement Authorities
 - 1. The school district will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.
 - a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the **student pupil** in the presence of the **Building Principal or other designated school official(s) designee**.
 - (1) If the **student pupil** is intimidated by the presence of the school representative, the **student pupil** shall be requested to name an employee, volunteer, or intern working in the school district, whom he or she feels will be supportive, and who will be allowed to accompany the **student pupil** during the interview.
 - b. District administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school district who may have information relevant to the investigation.



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- c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the district will release all records of the **student pupil** who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and ~~N.J.A.C. 6A:32-7~~ and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.
- d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the district will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40, and N.J.A.C. 6A:32-7.
 - (1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or designee.
- e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the **student pupil** to child welfare authorities while school is in session when it is necessary to protect the **student pupil** or take the **student pupil** to a service provider.
 - (1) Such removal shall take place only after the Building Principal, or **other designated school official(s)** ~~designee~~, has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the **student pupil** from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.



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- f. The district will cooperate in the transfer of a **student pupil** who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.
- F. Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect
 1. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing, abused, or neglected child situation shall be entitled to due process rights.
 2. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect **pursuant to N.J.A.C. 6A:16-11.1.(a)2** shall occur only if there is reason to believe that the life or health of the alleged victim or other **student pupil** is in **jeopardy** ~~imminent danger~~ due to continued contact between the employee, volunteer, or intern and the **student pupil**.
 3. All references to a notification to the designated child welfare authorities of a potential missing, abused, or neglected child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a.

Adopted:

