

**BOARD OF EDUCATION
UPPER SADDLE RIVER, NEW JERSEY
REGULAR MEETING (VIRTUAL MEETING)
Monday, November 16, 2020, 8:00 p.m.**

AGENDA

This is a virtual regular meeting of the Upper Saddle River Board of Education and appropriate notice has been provided to the designated newspapers, the Borough Clerk and all interested parties requesting such notice.

Two opportunities are provided at this meeting for citizens to make comments. The Board values and welcomes comments and opinions from the residents of Upper Saddle River as long as remarks are not personal or discourteous. Public comment allows the Board to listen to community members and to hear their opinions on school policy and operations.

Members of the public may access the meeting and submit any questions or comments during the portions of the meeting reserved for comments. Persons wishing to comment should identify themselves by name and address; the commenter should direct his/her remarks to the presiding officer. Comments shall be limited to school-related issues and each commenter will limit his/her remarks to three minutes. No person may comment again until all those who wish to comment have had an opportunity and as long as time allows. If, in the judgment of the presiding officer, the total time devoted to public comment becomes excessive, the presiding officer may indicate the Board has time for one more speaker and will so notify the public.

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|------|------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| I. | Call to order and roll call | Mrs. Johnston |
| II. | Flag salute and Pledge of Allegiance | Mrs. Johnston |
| III. | Opening statement by presiding officer | Mrs. Johnston |
| IV. | REPORTS | |
| A. | Superintendent's Report | Dr. Siegel |
| B. | Board Secretary's Report | Mrs. Imbasciani |
| C. | Board President's Report | Mrs. Johnston |
| D. | Committee Reports | Chairpersons |
| E. | PTO Report | Mrs. Apostolou & Mrs. Degenaars |
| F. | USREF Report | Mrs. Mueller |
| V. | PRESENTATION | |
| A. | 2019/20 Schools Self-Assessment for Determining Grades and 2019/20 Incidents, Trainings, Programs for Report Period 2 | Mr. DeSocio |
| VI. | PUBLIC COMMENT (limited to comments on agenda items only) | |
| VII. | ADMINISTRATION | Dr. Siegel |

This motion will be one motion that encompasses Items A through E and will be voted on at this meeting. This motion has been recommended for approval by the Superintendent.

- A. Authorize the Board of Education to suspend the rules of Bylaw 0131 and adopt the following Bylaw:

Bylaw 0164.6 Remote Public Board Meetings During a Declared Emergency to be in compliance with the new emergency regulations regarding remote meetings

held during a Governor-declared emergency, N.J.A.C. 5:39-1.1 through 1.7, promulgated by Department of Community Affairs.

B. First reading of the following Policies and Regulations:

Policy 2270	Religion in Schools (revised)
Policy 2431.3	Heat Participation Policy for Student-Athlete Safety (revised)
Policy 2464	Gifted and Talented Students (revised)
Policy 2622	Student Assessment (revised)
Policy 5111	Eligibility of Resident/Nonresident Students (revised)
Policy 5200	Attendance (revised)
Policy 5320	Immunization (revised)
Policy 5330.04	Administering an Opioid Antidote (revised)
Policy 5610	Suspension (revised)
Policy 5620	Expulsion (revised)
Policy 8320	Personnel Records (revised)
Reg. 5111	Eligibility of Resident/Nonresident Students (revised)
Reg. 5200	Attendance (revised)
Reg. 5330.04	Administering and Opioid Antidote (revised)
Reg. 5610	Suspension Procedures (revised)
Reg. 8320	Personnel Records (revised)

C. Approve the submission of the School Safety and Security Plan Annual Review Statement of Assurance to the Executive County Superintendent by November 30, 2020.

D. Approve the 2020/21 Update to the Uniform Memorandum of Agreement Between Education and Law Enforcement Officials.

E. Approve the following Sidebar Agreement:

**SIDEBAR AGREEMENT
BETWEEN
THE UPPER SADDLE RIVER BOARD OF EDUCATION
AND
THE UPPER SADDLE RIVER EDUCATION ASSOCIATION**

WHEREAS, the Upper Saddle River Board of Education ("Board") and the Upper Saddle River Education Association ("Association") are signatories to a collective negotiations agreement for the period of July 1, 2019 through June 30, 2022; and

WHEREAS, the Board desires to provide a list of club/advisory positions beyond the September 30 deadline to offer students and staff members opportunities for extracurricular activities suitable for remote platforms.

WHEREAS, the Association accepts a list of advisory positions beyond the September 30 deadline to offer students and staff members opportunities for extracurricular activities suitable for remote platforms.

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD AND ASSOCIATION AGREE AS FOLLOWS:

The Board will seek interested advisors for extracurricular clubs that are suitable on a remote platform. The district administration will review and approve proposals for clubs, including clubs that previously existed and new ones developed for enrichment in a global pandemic. The total number of advisory positions will not exceed the number from each category (A & B) in the contract.

The two parties agree to bypass the September 30 deadline for Board approval of clubs and advisors for the 2020-21 school year due to the global pandemic.

VIII. PERSONNEL

Dr. Siegel

This motion will be one motion that encompasses items A through G and will be voted on at this meeting. Each motion has been recommended for approval by the Superintendent.

- A. Create/Abolish (not applicable)
- B. Resignations (not applicable)
- C. Leaves
 - 1. Approve a paid medical leave of absence for Pietro Lala, Custodian, effective November 16, 2020 through approximately December 25, 2020.
 - 2. Approve an unpaid leave of absence for Sean O'Connor, Paraprofessional, under FMLA/FLA, effective on or about November 23, 2020 through approximately December 4, 2020 and on or about January 11, 2021 through approximately March 19, 2021.
 - 3. Approve a leave of absence for Bina Rivard, BSI/2nd Grade Remote Teacher, under the Emergency Family and Medical Leave Expansion Act (EFMLEA), effective November 11, 2020 through November 13, 2020. Payment will be in accordance with the Emergency FMLA Expansion Act.
 - 4. Approve paid medical leave for Susan Wei, Paraprofessional, effective December 1, 2020 through December 31, 2020.
- D. Appointments
 - 1. Appoint Laurie Maimone to the position of Lunch Aide at Reynolds, effective on or about November 17, 2020, subject to the satisfactory completion of the criminal history records check required by law.
 - 2. Appoint Kelly Richter to the position of long-term, per diem leave replacement 3rd Grade Teacher, BA, Step 1, effective on or about December 21, 2020 through approximately April 23, 2021.
 - 3. Approve Stephanie Wassmer as a substitute Health Screener at Cavallini for the 2020/21 school year.
- E. Lateral Guide Moves (not applicable)
- F. Substitutes/Consultants/Volunteers/Interns
 - 1. Approve Rachel Nagy as a student teacher at Reynolds School, January 2021 through May 2021.
 - 2. Approve Rachel Nagy as a student teacher at Reynolds School, September 2021 through December 2021.
 - 3. Approve Kelly Richter as a substitute teacher/paraprofessional for the 2020/21 school year, NJ Teaching Certificate in Grades K-6.
 - 4. Approve Alyssa Tunick as a student teacher at Bogert School, January 2021 through May 2021.

G. Termination

1. Approve the following Resolution:

WHEREAS, employee I.D. #1284, whose name is on file in the Superintendent's Office, has been employed by the Upper Saddle River Board of Education (hereinafter referred to as the "Board") from December 13, 2020 to the present; and

WHEREAS, said employee I.D. #1284 has been employed under an Employment Contract, which provides for either party to terminate the contract by giving to the other thirty (30) days' notice in writing of intention to terminate the same.

NOW, THEREFORE, BE IT RESOLVED that, based on the Superintendent's recommendation, the Board hereby terminates the employment of said employee I.D. #1284 in accordance with the thirty (30) day notice provision contained in the employee's employment contract; and

BE IT FURTHER RESOLVED that this employee I.D. #1284 shall not be required to continue to perform the employee's duties during the period between the giving of notice and the date of termination of employment thereunder; and

BE IT FURTHER RESOLVED that the Board Secretary/Business Administrator shall provide the employee I.D. #1284 with notice of the Board's action as set forth in this Resolution forthwith.

IX. FINANCE

Mrs. Imbasciani

This motion will be one motion that encompasses items A through M and will be voted on at this meeting. Each motion has been recommended for approval by the Superintendent.

A. Approve the Minutes of Board Meeting:

October 19, 2020

B. Approve the Bills List for October 2020 as follows:

10	General Current Expense	\$73,953.50
11	General Current Expense	\$2,354,476.47
12	Capital Outlay	\$17,385.00
20	Special Revenue Funds	\$28,490.39
60	Enterprise Fund	\$12,836.84
	Total	\$2,487,142.20

C. Approve the Transfers for October 2020.

D. Cancel the unexpended balance of \$15,616.00 in the district-wide Phone Upgrades & LENS Project from the 2019/20 school year.

E. Approve the following Resolution:

WHEREAS, the Upper Saddle River Board of Education ("the Board") advertised for bids for snow removal services for the 2020-2023 school years ("Snow Removal"); and

WHEREAS, the Board advertised on two occasions for bids, and on the first occasion the Board rejected the bid for being materially defective; and

WHEREAS, on October 22, 2020, the Board received two (2) bids for the Services as reflected on the attached bid tabulation sheet; and

WHEREAS, the lowest responsible bid was submitted by Calderone Enterprises, LLC ("Calderone") who submitted a negotiated price in the amount of \$60,000 per year, for the 2020-2021 through 2022-2023 school years, for a total contract sum of \$180,000; and

WHEREAS, Calderone's bid is deemed reasonable and responsive in all material respects and it is the Board's desire to award the contract for Snow Removal services to Calderone.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby awards the contract for Snow Removal services to Calderone in a total contract sum of \$180,000.

BE IT FURTHER RESOLVED that this award is expressly conditioned upon Calderone furnishing the requisite insurance certificate, and an executed contract as prepared by the Board Attorney.

BE IT FURTHER RESOLVED that the Board Attorney is hereby directed to draft the contract with Calderone consistent with this Resolution, with the terms and conditions of the specifications for the Snow Removal services, and with Calderone's bid documents. The Board President and Board Secretary are hereby authorized to execute such agreements and any other documents necessary to effectuate the terms of this Resolution.

- F. Approve the annual contract for services for AVT: Auditory Verbal Techniques/Consultative Services with the Bergen County Special Services School District for a student whose name is on file in the Board Office for the 2020/21 school year at a rate not to exceed \$5,610.00.
- G. Approve the annual contract for services for TOD: Teacher of the Deaf and Hard of Hearing Services with the Bergen County Special Services School District for a student whose name is on file in the Board Office for the 2020/21 school year at a rate not to exceed \$31,350.00.
- H. Approve Jenna Prada, Director of Executive Functioning, Private Prep, to present "Practical Tips for Learning at Home" at the Upper Saddle River Wellness Academy, on Zoom, on November 19, 2020 at a cost of \$500.00.
- I. Approve Sabrina Coppola, LCSW, Director of Social Butterfly Counseling, to present "Enhancing Family Communication and Understanding in a Socially Distance World" to the Upper Saddle River Wellness Academy on Zoom on December 8, 2020 at a cost of \$500.00.
- J. Approve Beth Sandweiss, MSW Psychotherapist and Instructor at the Krame Center, to present "An Introduction to Mindfulness and Self-Compassion" to the Upper Saddle River Wellness Academy on Zoom on February 23, 2021 at a cost of \$500.00.
- K. Approve Melanie Strubile, LCSW & LCADC, Body Positive Works,, to present "Nutrition and Positive Body Image" to the Upper Saddle River Wellness Academy on Zoom on March 10, 2021 at a cost of \$500.00.
- L. Approve the disposal of the following Interactive White Boards which are no longer being used at Cavallini:

Asset Name	Tag #	Location	Tag #	Location
Smart Technologies SB680	5268	Room 1	5275	Room 10
	5271	Room 11	4973	Room 13
	5241	Room 14	4977	Room 15
	5179	Room 15	5234	Room 16
	4978	Room 17	5231	Room 18

	8225	Room 19	5273	Room 2
	5237	Room 20c	5240	Room 21
	8215	Room 23	5248	Room 24
	2902	Room 25	4981	Room 26
	5253	Room 27	4984	Room 28
	4988	Room 29	4967	Room 3
	4877	Room 31	5255	Room 32
	4986	Room 33	5258	Room 34
	5263	Room 36	5278	Room 4
	8229	Room 40	5281	Room 5
	4961	Room 6	6268	Room 8
	4963	Room 8	5279	Room 9
800 DVIT	8088	Room 20a	8213	Room 23
	8200	Room 35	8210	Room 37
M600	8206	Room 29		
SBX885 DVIT	8212	Room 38		

M. Approve the following Travel Expenses:

Program Name	Date	Employee	Registration Cost	Travel Cost
Therapies in the School 2020 2 Day Conference (Online)	November 19 & 20, 2020	Meredith Ardito	\$439.00	\$0.00
Prompt Institute (5 Webinars) (Online)	n/a	Kelly Diverio	104.97	\$0.00
NCSS Virtual Conference & CUFA Pre-Conference Sessions (Online)	November 30-December 6, 2020	Brad Siegel	\$205.00	\$0.00
NJ Association of School Psychologists Winter Conference (Online)	December 4, 2020	Rachel Leonard	\$185.00	\$0.00
Managing Frustration, Anxiety, and Teaching Social Skills Live Interactive Zoom Webinar (Online)	December 8, 2020	Meghan Ennis	\$165.00	\$0.00
Strengthen Your Online Speech-Language Pathologist Program: Providing Therapy in a Distance Learning Environment (Online)	January 28, 2021	Kelly Diverio Carolyn Lane Elayne Stern	\$259.00 \$259.00 \$259.00	\$0.00 \$0.00 \$0.00

X. **PUBLIC COMMENT**

XI. **ADJOURNMENT**

Mrs. Johnston

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Remote Public Board Meetings
During a Declared Emergency
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0164.6 REMOTE PUBLIC BOARD MEETINGS DURING A DECLARED EMERGENCY

A. Purpose – N.J.A.C. 5:39-1.1

1. The purpose of N.J.A.C. 5:39-1.1 et seq. and Bylaw 0164.6 is to ensure a Board of Education or Board of Trustees of a charter school can conduct official public business in an open and transparent manner whenever a declared emergency requires a local public body to conduct a public meeting without physical attendance by members of the public.
2. Nothing in N.J.A.C. 5:39-1.1 et seq. prevents a local public body from holding a remote public meeting under such other circumstances as may be permitted by the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq.

B. Definitions – N.J.A.C. 5:39-1.2

For the purpose of this Bylaw and in accordance with N.J.A.C. 5:39-1.2, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

"Adequate notice" shall have the same definition as at N.J.S.A. 10:4-8; however, for the purpose of N.J.A.C. 5:39-1.1 et seq., and to the extent not otherwise set forth at N.J.S.A. 10:4-8, the notice transmitted to at least two newspapers for publication may occur through electronic mail or other electronic means that is accepted or requested by the newspaper.

"Annual notice" means a schedule of regular meetings of the public body to be held in the succeeding year noticed pursuant to N.J.S.A. 10:4-8 and 10:4-18. For the purpose of N.J.A.C. 5:39-1.1 et seq., the annual notice may be transmitted through electronic mail to newspapers and persons requesting an annual notice pursuant to N.J.S.A. 10:4-18. If the declared emergency prevents the local public body from mailing an annual notice to individuals requesting notice pursuant to N.J.S.A. 10:4-18, it shall be mailed to individuals for whom the local public body does not have an electronic mail account as soon as practicable.

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"Board" or "Board of Education" means a Board of Education or a Board of Trustees of a charter school as defined as a "local public body" or "public body" as per N.J.A.C. 5:39-1.2.

"Declared emergency" means a public health emergency, pursuant to the Emergency Health Powers Act, P.L. 2005, c. 222 (N.J.S.A. 26:13-1 et seq.), or a state of emergency, pursuant to P.L. 1942, c. 251 (N.J.S.A. App.A.9-33 et seq.), or both, or a state of local disaster emergency that has been declared by the Governor and is in effect.

"Electronic notice" means advance notice available to the public via electronic transmission of at least forty eight hours, giving the time, date, location and, to the extent known, the agenda of any regular, special, or rescheduled meeting, which shall accurately state whether formal action may or may not be taken at such meeting.

"Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

"Live streaming" means the live audio and video transmission of a remote public meeting over the Internet.

"Local public body" means any "public body," as that term is defined in N.J.S.A. 10:4-8, with territorial jurisdiction equal to or less than a county. This term shall include Boards of Education, counties, municipalities, boards and commissions created by one or more counties or municipalities, and any authorities subject to N.J.S.A. 40A:5A-1 et seq., including fire districts and other special districts, along with joint meetings or regional service agencies as defined in N.J.S.A. 40A:65-3.

"Public business" means and includes all matters which relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business.

"Public meeting" means and includes any gathering whether corporeal or by means of communication equipment which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

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"Remote public meeting" means a public meeting that is conducted by any means of electronic communication equipment permitted pursuant to N.J.A.C. 5:39-1.1 et seq.

- C. Circumstances Under Which a Board of Education May Hold a Remote Public Meeting During a Declared Emergency for Conducting Public Business – N.J.A.C. 5:39-1.3
1. In addition to any circumstances under which public meetings held by means of communication equipment may be authorized pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-1 et seq., the Board may hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents the Board from safely conducting public business at a physical location with members of the public present.
 2. If, during a declared emergency, the Board holds a physical meeting in a location where, pursuant to State and/or Federal guidelines meant to mitigate the risk of a contagious infection, the declared emergency necessitates capacity restrictions reducing the number of individuals that can be present in the meeting room to an amount below that reasonably expected for the public meeting by the Board, the Board must either hold the public meeting at another location with adequate capacity for the reasonably expected attendance by the public or hold the public meeting as both an in-person meeting and a remote public meeting.
 - a. As set forth at N.J.A.C. 5:39-1.4(c), no in-person meeting shall proceed if the room capacity does not permit any member of the public to attend.
 3. Nothing in N.J.A.C. 5:39-1.3 shall be interpreted to prevent the Board from broadcasting the audio and/or video of, or taking remote public comment during, a public meeting that the public can physically attend without being subject to public health-related capacity restrictions.
- D. Minimum Technological and Procedural Requirements for Remote Public Meetings Necessitated by a Declared Emergency – N.J.A.C. 5:39-1.4
1. If a declared emergency requires the Board to hold a remote public meeting to conduct public business, the Board shall use an electronic communications technology that is routinely used in academic, business, and professional settings, and can be accessed by the public at no cost.

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- a. Participant capacity on the selected platform should be consistent with the reasonable expectation of the public body for public meetings of the type being held and shall not be limited to fewer than fifty public participants (beyond those persons required to conduct business at the meeting).
2. Remote public meetings may be held by means including, but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio, and Internet-accessible technology, such as live-streaming.
 - a. If an electronic communications platform or Internet-accessible technology is being utilized for a remote public meeting, a telephonic conference line shall also be provided to allow members of the public to dial-in by telephone to listen and provide public comment as otherwise required by law.
 - b. The Board shall require members of the public to state, prior to providing public comment, whether they wish to speak and to identify themselves prior to speaking.
3. The Board shall provide the public with similar access to a remote public meeting as members of the Board, staff of the Board, and any individuals seeking one or more approvals from the Board.
 - a. If a remote public meeting is held by audio and video, the public shall also have the opportunity to participate in the meeting in both audio and video capacities.
 - b. The Board meeting held in-person shall not prohibit members of the public from attending in-person.
4. Any remote public meeting where sworn testimony is being taken shall be broadcast by video, as well as by audio.
 - a. All individuals giving sworn testimony at a remote public meeting shall appear by video in addition to audio.
5. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending the Board meeting shall be made visible on a video broadcast of the remote public meeting or made available on the Internet website or webpage of the entity governed by the Board, or the Internet

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website or webpage of the entity responsible for appointing the members of the Board.

- a. If a document would be made available to individual members of the public in hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice, or near the posting of the meeting notice, both on the website and at the building where the meeting would otherwise be held.
 - b. If the Board does not have its own website, such documents shall be available upon request ahead of the meeting and provided through an official social media account if one exists.
6. The Board holding a remote public meeting shall allow members of the public to make public comment by audio, or by audio and video, if the remote public meeting is held over both audio and video, during the meeting.
 - a. In advance of the remote public meeting, the Board shall allow public comments to be submitted to the Business Administrator/Board Secretary by electronic mail and in written letter form by a reasonable deadline.
 - b. The Board shall accept text-based public comment received during a remote public meeting held through an electronic communications platform or Internet-accessible technology. Public comments submitted before the remote public meeting through electronic mail or by written letter shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public.
 - c. The Board shall impose a reasonable time limit, where permitted by law, of three minutes on individual public comments and the same limits shall be placed on the reading of written comments. Each comment shall be read from the beginning, until the time limit is reached. The Board may pass over duplicate written comments; however, each duplicate comment shall be noted for the record with the content summarized. If the Board elects to summarize duplicative comments, the Board must not summarize

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certain duplicative comments while reading other duplicative comments individually.

7. The electronic communications technology used for a remote public meeting must have a function that allows the Board to mute the audio of all members of the public, as well as allow members of the public to mute themselves.
 - a. Any electronic communications platform or Internet-accessible technology used for a remote public meeting shall also allow the Board to regulate participation by individual members of the public.
 - b. A telephonic audio conference call line must have a queueing or similar function for regulating public comment.
8. Subject to D.5. and D.6. above, the Board shall adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting, as well as for public comments submitted in writing ahead of the remote public meeting.
 - a. Such procedures and requirements shall include standards of conduct to be followed by members of the public when making comment.
 - b. The procedures and requirements for making public comment, along with an explanation of the audio muting function of the electronic communications platform being used, shall be announced at the beginning of the remote public meeting.
 - c. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting. The following procedures shall be incorporated:
 - (1) The Board shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology;
 - (2) If a member of the public becomes disruptive during a remote public meeting, including during

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any period for public comment, the member of the Board charged with running the remote public meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in being prevented from speaking during the remote public meeting or removed from the remote public meeting.

(a) Disruptive conduct includes sustained inappropriate behaviors, such as, but not necessarily limited to, shouting, interruption, and use of profanity.

(3) A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions or comments.

(a) If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make their comment. Should the person remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

9. Electronic communications platforms and Internet-accessible technologies used for remote public meetings shall be hosted on FedRAMP Moderate Impact Level Authorized dedicated servers or in a FedRAMP Moderate Impact Level Authorized Cloud, unless the host of the dedicated servers or cloud provides annual evidence of satisfactory cybersecurity internal controls through a SOC2 audit report.

a. When using cloud services, the technology vendor shall check provider credentials and contracts to ensure FedRAMP Moderate Impact compliance unless annual evidence of satisfactory internal controls is provided through a SOC2 audit report.

E. Notice of Remote Public Meetings; Statement in Minutes – N.J.A.C. 5:39-1.5

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1. Adequate notice of a remote public meeting must include, in addition to the content required pursuant to N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment, and where relevant documents, if any, will be made available.
2. In addition to adequate notice, the Board shall also provide electronic notice of a remote public meeting, except as may be permitted pursuant to N.J.S.A. 10:4-9.3 and E.3. below.
 - a. The electronic notice shall contain the content required pursuant to N.J.S.A. 10:4-8 and 10:4-9.1 and E.1. above, and shall be posted on the Internet website or webpage of Board and/or school district, or the entity responsible for appointing the members of the Board.
 - (1) If the Board does not have a website, electronic notice shall be provided on an official social media platform of the Board; however, electronic notice is not required if the Board does not have an internet presence.
 - (2) Unless otherwise prohibited by the declared emergency, the content of the electronic notice shall also be posted on the main access door of the building where the public would routinely attend public meetings of the Board in-person. The notice must be viewable from the outside.
3. If during a declared emergency the Board elects to issue electronic notice of a remote public meeting in lieu of, rather than in addition to, adequate public notice, as permitted pursuant to N.J.S.A. 10:4-9.3, the Board shall limit public business discussed or effectuated at the meeting to matters:
 - a. Necessary for the continuing operation of government and which relate to the emergency declaration connected with the declared emergency; or
 - b. Requiring decision during the remote public meeting due to imminent time constraints.
4. Nothing in N.J.A.C. 5:39-1.5 prohibits the Board from holding a remote public meeting, notwithstanding the failure to provide

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adequate notice and electronic notice where permitted pursuant to N.J.S.A. 10:4-9.

5. If the Board expects to conduct remote public meetings for a series of regularly scheduled meetings advertised in its annual notice, the annual notice shall be revised at least seven days prior to the next regularly scheduled meeting, indicating which meeting(s) will be held as a remote public meeting and shall contain clear and concise instructions for accessing those remote public meetings, the means for making public comment, and where relevant documents, if any, will be made available.
 - a. In addition to the means of notice transmission required pursuant to N.J.S.A. 10:4-18, the revised annual notice shall be posted on the Internet website or webpage of the Board and/or school district, or the entity responsible for appointing the members of the Board.
 - b. If the Board does not have its own website, the revised notice shall be provided on an official social media platform unless the Board does not have an Internet presence.
 - c. Unless otherwise prohibited by the declared emergency, the content of the electronic notice shall also be posted on the door of the main public entrance to the building where the public would routinely attend public meetings held by the Board.
 - (1) Notice must also be posted on the door for any designated and clearly delineated handicap accessible entrance. These notices must be viewable from the outside.
6. If a previously scheduled Board meeting was to allow public attendance without a public health-related restriction as to capacity, but the Board intends to hold the same meeting as a remote public meeting due to a declared emergency and the change is not reflected in a revised annual notice issued pursuant to E.5. above, the Board shall issue adequate and electronic notice for said meeting pursuant to E.1. and E.2. above as if the meeting were not included in the annual notice.
7. At the commencement of every remote public meeting of the Board, the person presiding shall announce publicly, and shall

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cause to be entered in the minutes of the meeting, an accurate statement to the effect that:

- a. Both adequate and electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided;
- b. Only electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided, and that discussion and effectuation of public business shall be limited to only those matters:
 - (1) Necessary for the continuing operation of government and that relate to the applicable emergency declaration; or
 - (2) Requiring decision during the remote public meeting due to imminent time constraints; or
- c. That adequate notice and electronic notice was not provided, in which case such announcement shall state:
 - (1) The reason(s) why the matter(s) discussed are of such urgency and importance, as contemplated pursuant to N.J.S.A. 10:4-9(b)(1), and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting;
 - (2) That the remote public meeting will be limited to discussion of, and acting with respect to, such matters of urgency and importance;
 - (3) The time, place, and manner in which notice of the meeting was provided; and
 - (4) Either that the need for such meeting could not reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or that such need could reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, but such notice was not provided, in which event the announcement shall specify the

BYLAW GUIDE

reason why adequate notice and/or electronic notice was not provided.

8. Where the Board is required by law to provide a meeting agenda, or otherwise provides a meeting agenda by practice at its regularly scheduled meetings, prior to the commencement of the remote public meeting, the Board shall also make a copy of the agenda available to the public for download through an Internet link appearing either on the meeting notice, or near the posting of the meeting notice on the website.
 - a. The notice shall also be posted at the building where the meeting would otherwise be held prior to the commencement of the remote public meeting.

F. Executive or Closed Session During Remote Public Meetings

1. A Board entering into an executive or closed session shall ensure that audio or video of the session cannot be accessed, except by those individuals that are participating in the session.
 - a. A separate non-public conference line or e-platform session may be employed for this purpose.
2. The secretary of the Board should take roll call with each individual affirmatively identifying themselves prior to commencing the closed session.
3. If a closed session is held through a telephonic conference call a separate call-in line should be made available to ensure confidentiality.
4. For closed sessions during remote public meetings held through video conferencing, audio recording should be muted and video recording blocked by a graphic labeled "Executive Session".
5. As with in-person meetings, the Board shall have read into the record the reason(s) for entering into executive session.

N.J.A.C. 5:39-1.1 et seq.

Adopted:

POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

DRAFT

Program
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RELIGION IN THE SCHOOLS

2270 RELIGION IN THE SCHOOLS

~~Recognition of Religious, Cultural and Ethnic Heritage~~

~~The public school should be neutral with regard to religion. By this is meant that no religious belief or nonbelief should be promoted by the school district or its employees, and none should be disparaged.~~

~~It is the responsibility of the public schools to teach mutual understanding and respect for group differences: religious, cultural and ethnic. In pursuing this goal, teaching in the public schools can and should take cognizance of the fact that holidays are observed differently by different groups. Such teaching should be objective and avoid any doctrinal impact.~~

~~The Superintendent shall promulgate this policy.~~

~~The calendar contains many events from a national or regional population. Pupils should be prepared to understand and their educational experiences. The role of the school is to promote understanding and respect for the contributions made by members of the community and to develop an appreciation for the diversity which has made this community what it is.~~

1. The following guidelines are suggested to develop a common instructional background for UpperSaddleRiver pupils:

- a. School will take a neutral position on religious, cultural, and ethnic issues;
- b. Activities will be designed by the school to enhance the development of an appreciation for the diverse population of the school, community and nation;
- c. Faculty will meet at grade levels to design activities or thematic units related to multi-cultural education;
- d. When appropriate, teachers will allow pupils to share their background and experiences;



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UPPER SADDLE RIVER BOARD OF EDUCATION

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RELIGION IN THE SCHOOLS

- ~~e. — Each school will decide if parties or celebrations will be held and develop procedures that are consistent at each grade level and with Board of Education policy;~~
- ~~f. — A specific curriculum for pupils in ESL provide how holidays are celebrated in the USA;~~
- ~~g. — Teachers will not explicitly or specifically frame curriculum to teach about religious celebrations;~~
- ~~h. — For the purposes of this policy, "religious celebration" means:~~
 - ~~(1) — A worship or religious service of any kind, whether or not conducted by a clergyman;~~
 - ~~(2) — Religious exhibits or displays, except to the extent that such display is a necessary or integral part of study of another subject in the curriculum; e.g., art, history, etc., and with no intent to indoctrinate; and~~
 - ~~(3) — The presentation of religious music, except to the extent that such music is sung for its musical rather than its religious content.~~
- ~~2. — Classroom Party Guidelines for Teachers and Parents~~
 - ~~a. — Teachers are in charge of all classroom parties;~~
 - ~~b. — Teachers are to instruct parents about classroom party procedures in September of each year;~~
 - ~~c. — No favors are to be brought to school by parents for children to take home;~~
 - ~~d. — Food items are to be limited to no more than two selections and must adhere to nutritional guidelines;~~
 - ~~e. — Limit drinks to one or two items;~~



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

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RELIGION IN THE SCHOOLS

~~f. Games and Party routines are to be determined by the teachers. Parents may be solicited to assist but not direct or purchase extra items.~~

~~U.S. Consti~~

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

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

~~The following activities as outlined in the USDOE Guidance will be permitted upon applying the governing constitutional principles in particular contexts related to: prayer during non-instructional time; organized prayer groups and activities; teachers, administrators, and other school employees' activities; moments of silence; accommodations for prayer during instructional time; prayer in classroom assignments; student assemblies and noncurricular events; prayer at graduation; and/or baccalaureate ceremonies.~~

~~The following activities as outlined in the USDOE Guidance will be permitted upon applying the governing constitutional principles in particular contexts related to religious expression: religious literature; teaching about religion; student dress codes and policies; and/or religious excusals.~~

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

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

U.S. Const. Amend. 1

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



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RELIGION IN THE SCHOOLS

U.S. Department of Education - Guidance on Constitutionally Protected
~~Protected~~ Prayer in Public Elementary and Secondary Schools – ~~February 7, 2003~~ January 16,
2020

N.J. ~~Const~~ Const. (1947) Art. 1, para. 4
N.J.S.A. 18A:35-4.6 et seq.; 18A:36-16

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Adopted: 19 May 2008



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

M

DRAFT

HEAT PARTICIPATION POLICY FOR STUDENT-ATHLETE SAFETY

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

~~Therefore,~~

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

The NJSIAA Policy shall address:

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

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

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

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

The provisions and requirements of this Policy and of the NJSIAA current Heat Participation Policy, which shall be utilized in conjunction with the current NJSIAA Pre-Season Heat



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

Acclimatization Policy, shall be carried out by the Athletic Trainer, certified designee, or individual as appointed by the school staff member designated by the Superintendent of Schools or designee shall oversee the development and approval of a practice and pre-to supervise athletics, which may include a coach or individual responsible for sharing duties for making decisions concerning the implementation of modifications or cancellation of practices and games based on WBGT measurements.

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

This Policy and the the implementation of the procedure for students requirements outlined in this Policy shall apply to all student-athletes in grades nine through twelve participating in allStatewide high school-sponsored interscholastic athletic programs and extra-curricular activities during warm weather months.

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

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

Adopted:-29 April 2019



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

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Program
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STUDENT ASSESSMENT (M)

2622 STUDENT ASSESSMENT ~~(M)~~

M

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

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

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

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

- Statewide Assessment System

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



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

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

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

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

- The Board shall provide appropriate accommodations or modifications to the Statewide assessment system as specified by the Department of Education for English Language Learners (ELLs) and students with disabilities as defined in N.J.A.C. 6A:14-1.3 or eligible under Section 504 of the Rehabilitation Act as determined by the IEP or 504 Team in accordance with N.J.A.C. 6A:8-4.1(d)1.- The Board may administer the Statewide assessments in mathematics to ELLs in their native language, when available, and/or English.- The Board of Education shall have the option for a first-year ELL of substituting a Department of Education-approved language proficiency test only for the English language arts section of the elementary or middle school component of the Statewide assessment, when the student has entered the United States after July 1 of the calendar year prior to the test administration.

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



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

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

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Test Administration Procedures and Security Measures

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

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Documentation of Student Achievement

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

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

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

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



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

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STUDENT ASSESSMENT (M)

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

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

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

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Annual Review and Evaluation of School Districts

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

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Public Reporting

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UPPER SADDLE RIVER BOARD OF EDUCATION

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STUDENT ASSESSMENT (M)

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

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Parental Notification

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

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N.J.S.A. 18A:7C-1 et seq.; 18A:7E-1 et seq.
N.J.A.C. 6A:8-4.1 et seq.; 6A:8-5.1; 6A:14-1.1 et seq.;
6A:14-3.7;
6A:14-4.10

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Adopted: 19 May 2008
Revised: 15 October 2012
Revised: 18 May 2015
Revised: 20 June 2016
Revised: 19 June 2017



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

Program
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GIFTED AND TALENTED STUDENTS (M)

DRAFT

PROGRAM
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Gifted and Talented Students
Sept 20
M

2464 GIFTED AND TALENTED STUDENTS ~~(M)~~

M

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The Board of Education recognizes its responsibility to identify gifted and talented students within the school district and to provide these students with appropriate instructional adaptations and services. To that end, the Board directs each such student in the school district be identified and offered an appropriate educational program and services.

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For purposes of this Policy, “gifted and talented students” means students who consistently exceed academic standards possess or demonstrate high levels of ability in one or more content areas when compared to their chronological peers in the district and who require modification of their educational program if they are to achieve in accordance with their capabilities.

For the purpose of this Policy, “instructional adaptation” means an adjustment or modification to instruction enabling a student who is gifted and talented to participate in, benefit from, and demonstrate knowledge and application of the New Jersey Student Learning Standards in one or more content areas at the instructional level of the student, not just the student’s grade level.

The Superintendent of Schools or designee shall ensure that the appropriate instructional adaptations are designed for students who are gifted and talented.

The Superintendent or designee will develop procedures for an ongoing Kindergarten through grade twelve identification process for gifted and talented students that includes multiple measures in order to identify student strengths in intellectual ability, creativity, or a specific academic area. The district shall ensure equal access to a continuum of gifted and talented education services. The identification process shall include consideration of all students, including those who are English language learners and those with Individualized Education Plans or 504 Plans.



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

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GIFTED AND TALENTED STUDENTS (M)

The Superintendent or designee will develop and document appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environments, and including, but not limited to, additional education activities such as academic competitions, guest speakers, and lessons with a specialist.

~~The Superintendent will develop procedures for an ongoing Kindergarten through grade eight identification process for gifted and talented students that includes multiple measures. Multiple measures may include, but are not limited to: achievement test scores; grades; student performance or products; intelligence testing; parent, student, and/or teacher recommendation; and other appropriate measures. The identification methodology will be developmentally appropriate, non-discriminatory, and related to the programs and services offered by the district. The identification procedures will be reviewed annually.~~

~~The Superintendent will take into consideration the Pre-Kindergarten through Grade Eight Gifted Programming Standards, Position Statements, and White Papers of the National Association for Gifted Children in developing programs for gifted and talented students. The educational program offered to gifted and talented students will encourage and challenge them in the specific areas of their abilities, but will not replace the basic instructional program of the various grades of this district. The program offered to gifted and talented students may include, but are not limited to: pull-out programs; classroom differentiated instruction; acceleration; flexible pacing; compacted curricula; distance learning; advanced classes; or individual programs infused into the student's regular instructional program, provided that a written description of the infusion has been prepared and filed in the student's record identifying and serving gifted and talented students.~~

~~Programs for gifted and talented students will be periodically evaluated for their continuing efficacy and adjusted accordingly.~~

The district will provide the time and resources to develop, review, and enhance instructional tools with modifications for helping gifted and talented students acquire and demonstrate mastery of the required knowledge and skills specified by the standards at the instructional level of the student.

The district will actively assist and support professional development for teachers, educational services staff, and school leaders in the area of gifted and talented instruction.



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

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GIFTED AND TALENTED STUDENTS (M)

The district shall file with the New Jersey Department of Education Coordinator for Gifted and Talented Services a report by October 1, 2020 and thereafter on a schedule that coincides with the school district's New Jersey Quality Single Accountability Continuum (QSAC) review pursuant to N.J.S.A. 18A:7A-11. The report shall include, but not be limited to, the gifted and talented continuum of services, policies, and procedures implemented in the school district; the total number of students receiving gifted and talented services in each grade level Kindergarten through grade twelve disaggregated by race, gender, special education designation, and English language learner designation; the professional development opportunities provided for teachers, educational services staff, and school leaders about gifted and talented students, their needs, and educational development; and the number of staff employed by the school district whose job responsibilities include identification of and providing services to gifted and talented students. Programs for gifted and talented students will be periodically evaluated for their continuing efficacy and adjusted accordingly.

The parent of any student identified as gifted or talented shall be consulted regarding any program designed to address the student's particular needs.

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An individual who believes that the district has not complied with the provisions of N.J.S.A. 18A:35-34 et seq. may file a complaint with the Board of Education. This policy for filing a complaint shall be linked to the homepage of the Board's Internet website. The Board shall issue a decision, in writing, to affirm, reject, or modify the district's action in the matter. The individual may then file a petition of appeal of the Board's written decision to the Commissioner of Education through the Office of Controversies and Disputes in accordance with N.J.S.A. 18A:6-9 and the procedures set forth in State Board of Education regulations.

The district shall make detailed information available on its website regarding the policies and procedures used to identify students as gifted and talented and the continuum of services offered to gifted and talented students. The information shall include the criteria used for consideration for eligibility for the gifted and talented services, including the multiple measures used in the identification process to match a student's needs with services, and any applicable timelines in the identification process.

N.J.S.A. 18A:61A-2; 18A:35-4.16; 18A:35-34 through 39
N.J.A.C. 6A:8-1.3; 6A:8-3.1(a)5



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UPPER SADDLE RIVER BOARD OF EDUCATION

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GIFTED AND TALENTED STUDENTS (M)

P.L. 108-382, Sec. 10201 et seq.

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Adopted: 24 March 2008

Revised: 19 June 2017

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DRAFT

Students
5111/Page 1 of 8
ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS ~~(M)~~

M

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

Eligibility to Attend School

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

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

-
The Board shall also admit any student that is kept in the home of a person other than the student's parent or guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child in accordance with N.J.A.C. 6A:22-3.2. ~~-~~ A student is only eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 if the student's parent or guardian files, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and the student is not residing with the other person solely for the purpose of receiving a free public education. ~~-~~ In addition, the person keeping the student must file, if so required by the Board of Education, a sworn statement that he or she: ~~-~~ is domiciled within the school district; is supporting the child without remuneration and intends to do so for a time longer than the school and intends to do so for a time longer than the school term; will assume all personal obligations for the student relative to school requirements; and provides a copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner. ~~-~~ Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.

ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

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

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

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

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1. If the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 - Education of Homeless Children;
-
2. If the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2;
-
3. If the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district, pursuant to N.J.S.A. 18A:38-3.b.- The school district shall not be obligated for transportation costs; and
-
4. If the student resides on Federal property within the State pursuant to N.J.S.A. 18A:38-7.7 et seq.
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Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year in pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h). ~~_-~~ If the student remains enrolled in the school district for the remainder of the school year, the school district shall provide transportation services to the student, provided the student lives remote from school, and the State shall reimburse the school district for the cost of the transportation services. Nothing in N.J.S.A. 18A:38-1.1 shall be construed to affect the rights of homeless students pursuant to N.J.S.A. 18A:7B-12, N.J.S.A. 18A:7B-12.1, or any other applicable State or Federal law.

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

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

~~-~~ Proof of Eligibility

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

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

In the case of a dispute between the school district and the parent ~~or guardian~~ of a student in regard to the student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, ~~_-~~ the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and

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address for use in verifying a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.S.A. 18A:38-1.3. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

Registration Forms and Procedures for Initial Assessment

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

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

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

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

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

- Enrollment or attendance at the school shall not be conditioned on advance payment of tuition when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.- The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2, Education of Homeless Children.- Enrollment or attendance in the school district shall not be denied based upon the absence of the certified copy of the student's birth certificate or other proof of a student's identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.

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

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

Notice of Ineligibility

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

Removal of Currently Enrolled Students

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

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When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal in accordance with the provisions of N.J.A.C.

6A:22-4.3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student" (as defined in N.J.A.C. 6A:22-1.2) has been informed

of his or her entitlement to a hearing before the Board of Education. Once the hearing is held, or if the parent, guardian, adult student or resident keeping an "affidavit student", does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board or a Board Committee, at the discretion of the full Board. If the hearing(s) is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. No student may be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

Appeal to the Commissioner

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

Assessment and Calculation of Tuition

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

If an appeal to the Commissioner is filed and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to

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waive or reduce tuition, the Commissioner may assess tuition in accordance with the provisions of N.J.A.C. 6A:22-6.2(a). Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2.

Nonresident Students

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

Children Who Anticipate Moving to or from the District

A nonresident student otherwise eligible for attendance whose parent or guardian anticipate school district residency and has entered into a contract to buy, build, or rent a residence in this school district may be enrolled provided they sign the Upper Saddle River Board of Education Non-Resident Tuition Agreement form and submit it to the District with a check for 25% of the total cost of tuition. If any such student becomes a resident within four weeks of enrollment, 100% of the tuition paid will be refunded. If any such student does not become a resident of the school district within four weeks after admission to school, tuition will continue to be charged for attendance as per the terms of Section 3 of the Non-Resident Tuition Agreement until such time as the student becomes a resident or withdraws from school.

Students whose parent or guardian have moved away from the school district on or after April 1 will be permitted to finish the school year in this school district without payment of tuition.

Children of District Employees

Upon recommendation of the Superintendent, eligible children of nonresident employees, may be enrolled in the schools of this district upon the approval of the Board on a case-by-case basis.

Approval is not guaranteed. If the child(ren) is/are deemed to need special services, the

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employee will be billed separately for these additional costs. Employees with children admitted as non-resident students shall not interfere with the instructional day by visiting the children's classroom or contacting the child's teacher during the school day.

Children of Nonresident Staff Members, Municipal and Northern Highlands High School Employees

Upon recommendation of the Superintendent, eligible children of nonresident municipal employees, and Northern Highlands High School employees may be enrolled in the schools of this district with payment of 25% of nonresident tuition upon the approval of the Board on a case-by-case basis. Approval is not guaranteed. If the child(ren) is/are deemed to need special services, the employee will be billed separately for these additional costs.

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Other Nonresident Students

Upon recommendation of the Superintendent, Other nonresident students, otherwise eligible for attendance, may be admitted to this school district with payment of tuition and Board approval. Approval is not guaranteed. If the student (s) is/are deemed to need special services, the family will be billed separately for these additional costs.

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

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

8 CFR 214.3

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REGULATION

UPPER SADDLE RIVER BOARD OF EDUCATION

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STUDENTS
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A. Definitions

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

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

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:
 - a. A student is domiciled in the school district when he or she is living with a parent or guardian whose domicile is located within the school district.
 -
 - (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the

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school district of attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year. This provision shall apply regardless of which parent has legal custody.

- (2) When a student's physical custody is shared on an equal-time, alternating week/month or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
 - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.
 - (b) When the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.

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- (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22.
 - (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.-
- b. A student is domiciled in the school district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
- c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and _____ 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
- d. A student is domiciled in the school district when his or her parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
- e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.

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2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the dwelling's or unit's property tax is paid.
 - a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.
 - b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.
 - c. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.
3. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease

at the end of the current school year unless the child is domiciled in the school district.

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

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.

a. A student is not eligible to attend this school district pursuant to this provision unless:

(1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and

(2) The person keeping the student has filed, if so required by the Board of Education:-

(a) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and

(b) A copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.

b. A student shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law

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are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).

- c. A student shall not be deemed ineligible under this provision when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.
 - d. A student shall not be deemed ineligible under this provision solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.
 - e. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another school district commits a disorderly persons offense.
2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency. –
- a. Eligibility under this provision shall cease at the end of the school year during which the parent or guardian returns from active military duty.
3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district

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pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.

- a. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;
 - b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend ~~school shall~~ school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board of Education, the temporary residence is not solely for purposes of a student's attending the school district.
4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children.
 5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2. As used in this section, "court order" shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.
 - 6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law

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to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b if the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district. A school district admitting a student pursuant to N.J.S.A. 18A:38-3.b shall not be obligated for transportation costs.

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

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continue attendance and shall provide transportation services to and from the student's new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request from the parent or guardian and may review supporting documentation about the reason(s) for the move; however, any such review shall not interrupt the student's continued enrollment in the school district and in the current school of attendance with the provision of transportation.

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

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family crisis criteria set forth at 8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.-

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

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- f.- In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means available and in conformance with all laws governing student transportation.
- g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.
 - (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.
 - (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the Department's Office of School Facilities and Finance for reimbursement payment(s) to the school district.
 - (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).
- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.
- i.- Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, his or her decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.

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D. Housing and Immigration Status

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

E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-3.2 shall be construed to limit the discretion of the Board to admit nonresident students, or the ability of a nonresident student to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3.a.

F. Proof of Eligibility

1. The Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:
 - a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
 - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;

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- c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
 - d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;
 - e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
 - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others, as appropriate;
 - g. Documents pertaining to military status and assignment; and
 - h. Any other business record or document issued by a governmental entity.
- 2. The Board of Education may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by an applicant.
 - 3. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.
 - 4. The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:
 - a. Income tax returns;

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- b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);
 - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
 - d. Social security numbers.
5. The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in 4. above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.
6. In the case of a dispute between the school district and the parents ~~or guardians~~ of a student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.— The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

G. Registration Forms and Procedures for Initial Assessment-

1. The Board of Education shall use Commissioner-provided registration forms, or locally developed forms that:
 - a. Are consistent with the forms provided by the Commissioner;
 - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
 - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;

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- d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
 - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.
2. The Board of Education shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
- a. If the school district uses separate forms for affidavit student applications rather than a single form for all types of enrollment, affidavit student-forms shall comply in all respects with the provisions of G.1. above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom he or she is not the parent or guardian, even if not specifically requested.
 - (1) The Board of Education or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.
 - (2) The Board of Education or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.-
 - b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.

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

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

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

H. Notice of Ineligibility

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

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

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student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;

- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:

- (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.

- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and

- i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory-education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.

I.- Removal of Currently Enrolled Students

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

J.- Appeal to the Commissioner

1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its

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schools.- Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.

- a. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of “affidavit student” ineligibility determinations shall be filed by the resident keeping the student.

K. Assessment and Calculation of Tuition

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

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for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of his or her decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board of Education has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.

- b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.
4. Nothing in N.J.A.C. 6A:22 shall preclude an equitable determination by the Board of Education or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board of Education or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

Issued: 13 December 2010

Revised: 20 June 2016

Adopted: 29 April 2019

Revised:

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

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

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

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

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Prolonged or repeated absences, excused or unexcused, from school or from class, deprive students of the educational and classroom experiences deemed essential to learning and may result in retention at grade level or loss of credit or removal from a course that would count toward the high school diploma in accordance with policies of this Board.

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

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

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When absences are unexcused, homework will not be given out in advance. Because attendance in school is of the utmost importance for students and required by law, it is the policy of the Board of Education that teachers do not provide, in advance, homework to students who are absent from school because of vacation. Upon the child's return, the work is to be made up after school at a time mutually convenient for the student and teacher. Providing the homework in advance, may encourage these types of absences and may send the message that the school condones them.

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

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

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

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

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Adopted: 16 June 2008
Revised: 20 October 2014
Revised: 18 May 2015



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

B. — Attendance Recording

1. —

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

- a. The Board of Education shall be required to carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic form of the school's choosing.



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- b. The Commissioner shall issue and publish on the Department's website school register guidance for recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.
 - c. Student attendance shall be recorded in the school register during school hours on each day school is in session.
 - d. School registers shall be kept for students attending preschool, Kindergarten, grades one through five, grades six through eight, grades nine through twelve, each preschool class for the disabled, each class for the disabled, shared-time classes for regular students, shared-time classes for students with disabilities, full-time bilingual education programs and vocational day programs, and summer schools operated by the Board of Education.
 - e. A student who has been placed on home instruction shall have his or her attendance status recorded on the regular register for the program in which the student is enrolled. For the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, the student shall be marked absent. No absences shall be recorded for the student while on home instruction, providing the hours of instruction are not less than required by N.J.A.C. 6A:14-4.8 and 4.9. The number of possible days of enrollment for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.
2. Attendance Recording for Board Policy (N.J.A.C. 6A:32-8.3)
- a. 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.
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 - 2.
 - b. 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.
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3. —

c. — 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. —

d. — 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. —

e. — 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. —

f. — The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with N.J.A.C. 6A:32-8.3.- In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day.- In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.

7. —

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

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

1. —

1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, "excused" and "unexcused" student absences for the purpose of expectations and consequences regarding



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truancy, student conduct, promotion, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.

2. N.J.A.C. 6A:16-7.6(a)3 requires the Board of Education policies and procedures contain, at a minimum, a definition of unexcused absence that count toward truancy. "An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined below.

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

 The student's illness:

 * supported by a written letter from the parent upon student's return to school;

 * supported by notification to the school by the student's parent;

 The student's required attendance in court;

 Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;

 The student's suspension from school;

 Family illness or death;

 *



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_____ supported by a written letter from the parent upon the student's return to school;

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_____ *

_____ supported by notification to the school by the student's parent;

_____ Visits to post-secondary educational institutions;

_____ Interviews with a prospective employer or with an admissions officer of an institution of higher education;

_____ Examination for a driver's license;

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

_____ Take Our Children to Work Day;

_____ An absence considered excused by the Commissioner of Education and/or a New Jersey Department of Education rule;

_____ An absence for a reason not listed above, but deemed excused by the Principal upon a written request by the student's parent stating the reason for the absence and requesting permission for the absence to be an excused absence;

-
4. For ten or more cumulative unexcused absences that count toward truancy, ~~of~~ a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25 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 absence not listed in C.23. above shall be an unexcused absence counted toward truancy.
-



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5. "Unexcused tardiness" may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.

D. — Notice to School of a Student's Absence

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

E. — Readmission to School After an Absence

1. — A student returning from an absence of any length of time must provide a written statement that is dated and signed by the parent or adult student listing the reason for the absence.
2. — A note explaining a student's absence for a noncommunicable illness for a period of more than five school days must be accompanied by a ~~physician's~~ physician's statement of the student's illness with medical clearance to return to school.
3. — A student 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 8451.



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4. The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.

F. — Instruction

1. — Teachers shall cooperate in the preparation of home assignments for students who anticipate an excused absence for medical or religious reasons of two school days duration. — The parent or student must request such home assignments.
2. — A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. — The parent must request home instruction.
3. — Students absent for any reason are expected to make up the work missed. — The parent or student is responsible for requesting missed assignments and any assistance required. — Teachers will provide make-up assignments as necessary.
4. — In general, students will be allowed a reasonable amount of time as determined by the teacher to make up missed work.
5. — A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.

G. — Denial of Course Credit

1. — The teacher will determine the credit to be awarded a student for make-up work. — Where class participation is a factor in the learning process, the teacher may consider a student's absence in determining a final grade, except absences for the observance of a religious holiday or absence for a student's suspension from school will not adversely affect the student's grade. — The teacher may record an incomplete grade for a student who has not had a full opportunity to make up missed work.



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2. — A secondary student may be dropped from a course or denied course credit when he/she has been absent 10% or more of the class sessions, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, or absences caused by a student's suspension will not count toward the total.

3. — An elementary student may be retained at grade level, in accordance with Policy 5410, when he/she has been absent twenty or more school days, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, and absences due to student's suspension will not count toward the total.

Exceptions to this rule may be made for students 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 or at the Principals discretion.

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

1. — For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:
 - a. — Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;
 - b. — Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;
 - c. — Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - d. — Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potentially missing or abused child situation is detected; and



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



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- (7) ~~Engage the student's family.~~
 - e. ~~Cooperate with law enforcement and other authorities and agencies, as appropriate.~~
 - 3. ~~For ten or more cumulative unexcused absences that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:~~
 - a. ~~Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;~~
 - b. ~~Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;~~
 - c. ~~Cooperate with law enforcement and other authorities and agencies, as appropriate; and~~
 - d. ~~Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.~~
 - 4. ~~A court referral may be made as follows:~~
 - a. ~~When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of ~~Education's~~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~~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.~~



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(1) — A written report of the actions the school has taken regarding the ~~student's~~ student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.

5. — For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's IEP, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities

Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§ 794 and 705(20); and individualized health care plan and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii.

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

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

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

I. — Discipline

1. — Students may be denied participation in co-curricular activities if the Board establishes attendance standards for participation.

2. — Students may be denied participation in athletic competition if the Board establishes attendance standards for participation.

3. — No student 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.

J. — Recording Attendance



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1. — Teachers must accurately record the students present, tardy, or absent each day in each session or each class. — Attendance records must also record students' attendance at out-of-school curricular events such as field trips.
2. — A record shall be maintained of each excused absence, and each unexcused absence that counts toward truancy as defined in Policy and Regulation 5200.
3. — A report card will record the number of times the student was absent and tardy in each marking period.
4. — A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

K. — Appeal

1. — Students may be subject to appropriate discipline for their school attendance record.
2. — A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. — A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
 - a. — The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. — The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.
 - b. — The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.
 - c. — If the student is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.
 - d. — On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. — The Attendance Review Committee shall meet informally to



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hear the student's appeal. - The student's parent and teacher(s) may attend the meeting.

e. - The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.

f. - The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710, PupilStudent Grievance and N.J.S.A. 18A. - An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

L. - Attendance Records

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

Adopted: 13 December 2010

Revised: 20 October 2014

Revised: 18 May 2015



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IMMUNIZATION

5320 IMMUNIZATION

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

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

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

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

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N.J.S.A. 18A:40-20
N.J.S.A. 26:4-6
N.J.A.C. 6A:16-2.3
N.J.A.C. 8:57-4.1 et seq.

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Adopted: 16 June 2008
Revised: 28 March 2011



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ADMINISTERING AN OPIOID ANTIDOTE

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5330.04 ADMINISTERING AN OPIOID ANTIDOTE

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

N.J.S.A. 18A:40-12.24.a.(1) requires schools with any of the grades nine through twelve to comply with the provisions of the law-and permits schools with students in other grades to comply with the provisions of N.J.S.A. 18A:40-12.24.a.(1). Therefore, the Board extends the provisions of N.J.S.A. 18A:40-12.23 through 12.27 to schools with any of the grades Pre-K through 8.

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

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

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

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



ADMINISTERING AN OPIOID ANTIDOTE

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

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

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

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

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

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



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ADMINISTERING AN OPIOID ANTIDOTE

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

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

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

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N.J.S.A. 18A:40-12.23; 18A:40-12.24; 18A:40-12.25;
-18A:40-12.26; 18A:40-12.27
N.J.S.A. 24:6J-1 et seq.

Adopted: 17 December 2018

Revised: 29 April 2019



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ADMINISTERING AN OPIOID ANTIDOTE (M)

DRAFT

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R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE ~~(M)~~

A. Definitions

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

a. The requirements of N.J.S.A. 18A:40-12.23 through 12.27 only apply to school-sponsored functions that take place in the school or on school grounds adjacent to the school building.

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

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

a. The certified school nurse is authorized to directly administer the opioid antidote to overdose victims in the event of an emergency; and



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ADMINISTERING AN OPIOID ANTIDOTE (M)

b. ~~_____~~ -

~~1~~ The school district, school or certified school nurse may also dispense or grant access, in emergency situations, to other persons employed by the district or school who have certified to having received training in the administration of the opioid antidote and overdose prevention information.

2. The school nurse in each school that includes any of the grades designated by the Board in Policy 5330.04 shall obtain a standing order for opioid antidotes pursuant to the "Overdose Prevention Act" – N.J.S.A. 24:6J-1 et seq.

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a. Written standing orders shall be reviewed and reissued before the beginning of the school year in accordance with N.J.A.C. 6A:16-2.3(a)4(vi).

3. The school nurse shall be responsible to:

a. ~~a.~~ Maintain a supply of opioid antidotes that have been prescribed under a standing order in a safe and secure, but unlocked and easily accessible location in the school:

~~(1)~~ _____

(1) The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building.-

b. Document the administration of an opioid antidote on a student's health record;

c. Monitor the on-site inventory and replacement of the opioid antidote supply; ~~and~~

~~d~~

d. Ensure the replacement of the opioid antidote supply following use or expiration of the opioid antidote; and

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

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

5. The Superintendent or designee may, in his/her discretion, make an opioid antidote accessible during designated school-sponsored functions that take place off school grounds pursuant to N.J.S.A. 18A:40-12.24.b.(2-).

C. Authorization and Training for Administering an Opioid Antidote

1. The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote.

2. However, the Board upon the recommendation of the Superintendent shall designate additional employees who volunteer to administer an opioid antidote in the event that a person experiences an opioid overdose when the nurse is not physically present at the scene.

3. The school nurse and designated employees shall only be authorized to administer opioid antidotes after receiving the training required under N.J.S.A. ____ 18A:40-12.25.b and N.J.S.A. 24:6J-5.

a. Each certified school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall receive training on standardized standard protocols ~~for from~~ the ~~administration of school physician issuing the standing order or through a written agreement by the school physician with an opioid antidote organization that addresses medical or social issues related to a person who experiences an opioid overdose.~~ drug addiction.

The training ~~shall include the must address~~ overdose prevention information ~~described in the "Overdose Prevention Act" N.J.S.A. 24:6J-5., including but not limited to, the following:~~

(1) Information on opioid overdose prevention and recognition;

(2) Instruction on how to perform rescue breathing and resuscitation;



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(3) Information on opioid dosage and instruction on opioid antidote administration;

(4) Information describing the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and

(5) Instructions for appropriate care of an overdose victim after administration of the opioid antidote.

b. The school district will provide shall collect and maintain written evidence of satisfactory completion of the required training by an appropriate entity or entities as specified by the NJDOE's guidelines. A program before a certified school nurse shall not be solely responsible to train the employees designated pursuant to N.J.S.A. 18A:40-12.24.e. or an employee is approved to administer opioid antidote.

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

D. Administration of an Opioid Antidote

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

a. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.

b. — Upon receiving a report or observing a possible opioid overdose in the school or at a school-sponsored function that takes place in a school or on school grounds adjacent to the school building at any time, the Principal or designee or any staff member present will immediately call the school nurse, if present, or a designated staff member who volunteered and was



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trained to administer an opioid antidote, and emergency medical responders.

- c. School-Sponsored Functions Off School Grounds:- Upon receiving a report or observing a possible opioid overdose occurring at a school-sponsored function that takes place off school grounds, as designated by the Superintendent or designee, a staff member shall immediately call the school nurse, if present, or a staff member who volunteered and was trained to administer an opioid antidote, if present, and emergency medical responders.]

-
2. ~~A staff member shall~~

2. The certified school nurse or employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall determine, in addition to the opioid antidote, whether any other emergency medical response is necessary, including but not limited to, cardiopulmonary resuscitation (CPR), Rescue Breaths, or the use of an automated external defibrillator (AED).

3. The certified school nurse and/or other staff member(s) shall monitor the person who has received an opioid antidote and keep the individual who may be experiencing an opioid overdose comfortable until emergency medical responders arrive on the scene.

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4. An ~~overdose-victim~~ individual shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved. A student transported to the hospital shall be transported in accordance with the Board's Policy required in treating alcohol or other drug-affected students pursuant to N.J.A.C. 16-4.1(c)5.

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5. The Principal or designee shall notify the Superintendent or designee whenever an opioid antidote is administered.

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6. The Principal or designee shall notify, as soon as practical, the parent of any student or a family member or other contact person for a staff member who may be experiencing an opioid overdose or has been administered an opioid antidote.

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7. Nothing in Regulation 5330.04 shall be interpreted to prohibit the administration of an opioid antidote to a student, staff member, or other person in an emergency during school hours or during on-site school-sponsored activities by an emergency medical responder or other person authorized by law to administer an opioid antidote, in accordance with N.J.S.A. 24:6J-1 et seq.

E. Use of Controlled Dangerous Substances

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

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Issued: 29 April 2019

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F. Limitation of Liability

1. Pursuant to N.J.S.A. 24:6J-4, the school district, school physician, certified school nurse, and other approved designees shall not, as a result of any acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote.
2. Any person or entity authorized under N.J.S.A. 18A:40-12.23 through 12.28 to administer an opioid antidote, may administer to an overdose victim with full immunity:
 - a. A single dose of any type of FDA approved opioid antidote for use in treatment of opioid overdoses; and
 - b. Up to three doses of an intramuscular auto injector or an intranasal application of opioid antidote, as needed to revive the overdose victim.

Adopted:



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M

5610 SUSPENSION (M)

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

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

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

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

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

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In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others. Students in preschool shall not receive



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an out-of-school suspension except as provided pursuant to the "Zero Tolerance for Guns Act," N.J.S.A. 18A:37-7 et seq.

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

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

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

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

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

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If, after multiple suspensions, there is an unpredictable or highly concerning pattern of behavior; or if the student may be subject to a proposed expulsion, the Principal shall convene a meeting, as soon as practicable, between the student and a school psychologist, a school counselor, a school social worker, a student assistance coordinator, or a member of the school's intervention and referral services team in accordance with the provisions of N.J.S.A. 18A:37-2c.



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

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

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

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Adopted: 22 September 2008

Revised: 20 October 2014

Revised: 25 September 2017



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R 5610 SUSPENSION (M) PROCEDURES

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

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

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

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

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

~~In accordance with the provisions of N.J.S.A. 18A:37-2a, a student in Kindergarten through grade two shall not receive an out-of-school suspension, except when the suspension is based on conduct that is of a violent or sexual nature that endangers others. Students in~~



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~~preschool shall not receive an out-of-school suspension except as provided pursuant to the "Zero Tolerance for Guns Act," N.J.S.A. 18A:37-7 et seq.~~

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

A. Short-Term Suspensions

1. ~~In each instance of a short-term suspension, the student will be provided Principal or designee, shall assure the rights of a student suspended for one, but not more than ten consecutive school days by providing for the following:~~

a. ~~As soon as practicable, oral or written notice of the charges and to the student.~~

(1) ~~When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided.~~

b. ~~Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of the events regarding his or her actions leading to the short-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5.~~

(1) ~~The informal hearing shall be conducted by the Principal or designee in accordance with the procedures outlined in N.J.A.C. 6A:16-7.1(c)2 and 5.~~

(2-) ~~To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension.~~

~~In each instance of~~



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(3) The informal hearing should take place even when a long-term suspension, school staff member has witnessed the district conduct forming the basis of the charge; and

(4) The informal hearing and the notice given may take place at the same time.

c. Oral or written notification to the student's parent of the student's removal from the student's educational program prior to the end of the school day on which the Principal decides to suspend the student. The notification shall assure the include an explanation of:

(1) The specific charges;

(2) The facts on which the charges are based;

(3) The provision(s) of the code of student conduct the student is accused of violating;

(4) The student's due process rights of the student, pursuant to N.J.A.C. 6A:16-7.3-1(c)3 and N.J.A.C. 6A:16-7.2; and

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

In each instance of a short- or long-term suspension, the district shall provide academic

(5) The terms and conditions of the suspension.

d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and

e. Academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards 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 with a disability shall be provided consistent with the student's Individualized Education Program, in accordance with N.J.A.C. 6A:14.



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

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

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

B. Long-Term Suspensions

- 1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a student suspended for more than ten consecutive school days by providing the following:
 - a. Notification to the student of the charges prior to the student's removal from school;
 - b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of



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- the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
- c. Immediate notification to the student's parent of the student's removal from school;
 - d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day;
 - e. Written notification to the parent by the Superintendent or designee within two school days of the initiation of the suspension, stating:
 - (1) The specific charges;
 - (2) The facts on which the charges are based;
 - (3) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3; 6A:32and
 - (4) Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.
 - (a) The Board shall request from the parent and student written acknowledgement of the notification provided pursuant to N.J.A.C. 6A:16-7.3(a)5.iv subsequent to the removal of the student from his or her educational program, pursuant to N.J.A.C. 6A:16-7.3.
 - f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to j. below;
 - g. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
 - h. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;
 - i. Either in- or out-of-school educational services that are comparable to those provided in the public schools for students of similar grades and



attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with N.J.A.C. 6A:16-9 or 10.

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



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- (2) Include the opportunity for the student to:
 - (a) Confront and cross-examine witnesses, if there is a question of fact; and
 - (b) Present his or her own defense, and produce oral testimony or written supporting affidavits.
- (3) Take place no later than thirty calendar days following the day the student is suspended from the general education program; and
- (4) Result in the Board's decision that shall be based, at a minimum, on the preponderance of competent and credible evidence.
- k. A written statement to the student's parent regarding the Board's decision within five school days after the close of the hearing. The statement shall include at a minimum:
 - (1) The charges considered;
 - (2) A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the Board at the hearing;
 - (3) Factual findings relative to each charge and the Board's determination of each charge;
 - (4) Identification of the educational services to be provided to the student, pursuant to i. above;
 - (5) The terms and conditions of the suspension; and
 - (6) The right to appeal to the Commissioner of Education the Board's decision regarding the student's general education program, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- l. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and



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- m. At the completion of a long-term suspension, the Board shall return the general education student to the general education program.
- 2. An appeal of the Board's decision regarding the general education student's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- 3. Suspension of a general education student shall not be continued beyond the Board's second regularly scheduled meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
 - a. The Board shall determine whether to continue the suspension, pursuant to B.1. above, based on the following criteria:
 - (1) The nature and severity of the offense;
 - (2) The Board's removal decision;
 - (3) The results of relevant testing, assessments, or evaluations of the student; and
 - (4) The recommendation of the Superintendent, after considering input from the Principal or Director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.
 - b. The Board shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event,
- 4. When the Board votes to continue a general education student's suspension, it shall review the case, in consultation with the Superintendent, at each subsequent Board meeting for the purpose of determining:
 - a. The status of the student's suspension;
 - b. The appropriateness of the suspended student's current educational program; and



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- c. Whether the suspended student's current placement, pursuant to i. above, should continue or whether the student should return to the general education program.
- 5. When the Board votes to continue a general education student's suspension, it shall make, in consultation with the Superintendent, the final determination on:
 - a. When the student is prepared to return to the general education program;
 - b. Whether the student will remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
 - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.
- 6. The Board shall provide a general education student suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or services, based on the criteria set forth under B.1.i.(2) above, until the student graduates from high school or reaches the age of twenty, whichever comes first.
 - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
 - b. The educational services provided, either in-school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
- 7. For a student with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.
 - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to a student with a disability who is subjected to a long-term suspension.
 - b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.



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- c. The provisions of B.2. through B.6. above shall not apply to students with disabilities.

C. Meeting with Student - Multiple Suspensions or Possible Expulsion

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



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SUSPENSION (M)

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

Adopted: 22 September 2008
Revised: 20 October 2014
Revised: 25 September 2017



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UPPER SADDLE RIVER BOARD OF EDUCATION

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Students
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EXPULSION (M)

5620 EXPULSION-(M)

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

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

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

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

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

The district shall implement an early detection and prevention program to: identify students in preschool through grade two who are experiencing behavioral or disciplinary problems; and



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EXPULSION (M)

provide behavioral supports for these students which may include, but not be limited to, remediation of problem behaviors, positive reinforcements, supportive interventions, and referral services.- An early detection program may be incorporated into the intervention and referral services required to be established in each school pursuant to State Board of Education regulations.-

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

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

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

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

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

Adopted: 22 September 2008
Revised: 20 October 2014
Revised: 25 September 2017



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

Operations
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PERSONNEL RECORDS

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8320 PERSONNEL RECORDS

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

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

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

- ~~Records maintained in the personnel files of this district are not public records and are not open to inspection except as provided for in this policy. Board minutes and other public records of this district and any computerized files maintained by this district may include only an employee's name, title, position, assignments, salary, payroll record, length of service in the district and in military service, the date and reason for separation from service in this district, and the amount and type of pension a former employee receives.~~

The personnel files of this district will be reviewed annually and material no longer required will be destroyed.

A Board of Education and private agencies that provide educational services by means of public funds shall make employee records and information available for public access pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A:6-120.(d) and 121.(d), and as provided in Policy and Regulation 8320 - Section H.

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



POLICY

UPPER SADDLE RIVER BOARD OF EDUCATION

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PERSONNEL RECORDS

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

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

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

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

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

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

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

Adopted: 16 June 2008

Revised:



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Personnel Records
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R 8320 PERSONNEL RECORDS

A. Content of Record

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

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- m. Completed evaluations;
 - n. Reports of disciplinary incidents;
 - o. Records of special awards, commendations, or distinctions;
 - p. Oath of allegiance;
 - q. Reports of routine physical examinations; and
 - r. Reports of physical and mental examinations required for cause.
 - 2. No information will be placed in an employees' file that does not pertain to the employee's position in this district and the performance of the employee's duties.
 - 3. The content of personnel files will be reviewed annually and material no longer required will be destroyed.
- B. Custodian of Personnel Records
- 1. The Superintendent is custodian of all personnel records.
 - 2. Personnel records shall be maintained in the office of the Superintendent, who shall be records manager responsible for the day-to-day maintenance of the files and for supervising access to the files.
- C. Notice of Content of Files
- 1. Each employee shall be informed of the content of his/her personnel file.
 - 2. Each employee will be notified of the inclusion in his/her file of any document that was not received from the employee or at the direction of the employee.
 - a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee.
 - b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file.
 - c. No report or letter or memorandum from any source, other than documents referred to in paragraph C2b above, may be placed in an employee's file until a copy of the same has been delivered to the employee.
- D. Employee Access to Personnel Records

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

E. Appeal of Content of the File

1. The employee may appeal to the Superintendent the exclusion or inclusion of any portion of his/her personnel file or the accuracy of any information in the file.
2. An appeal must be made in writing on a form available in the office of the Superintendent.
3. The Superintendent shall render a decision on the appeal as soon as possible, but not later than 10 working days from the time the written appeal is submitted. The Superintendent's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file.
4. Except as may be otherwise provided by contract negotiated with the employee's majority representative, the appellant may appeal the Superintendent's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.

F. Access by Board Members and School Officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.

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

G. Public Access to Employee Records and Information

1. A Board of Education and private agencies that provide educational services by means of public funds shall make employee records and information available for public access, pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A:6-120(d) and 121.(d) in accordance with N.J.A.C. 6A:32-4.3 and as outlined in this Regulation.
2. In accordance with the provisions of N.J.S.A. 47:1A-10, notwithstanding the provisions of N.J.S.A. 47:1A-1 et seq. or any other law to the contrary, the personnel or pension records of any individual in the possession of a public agency, including but not limited to, records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:
 - a. An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received shall be a government record;
 - b. Personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by the State of New Jersey or the United States, or when authorized by an individual in interest; and
 - c. Data contained in information which disclose conformity with specific experiential, educational, or medical qualification required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record.
3. Information related to the evaluation of a particular employee shall be maintained by the school district, be confidential, and not be accessible to the public pursuant to N.J.S.A. 47:1A-1 et seq., as amended and supplemented, in accordance with N.J.S.A. 18A:6-120.d and 18A:6-121.d.

Adopted: