

DOCUMENT A

District Enrollment as of 12/22/2016

DISTRICT	Full Time Students	Shared Time Students	Full Time Students PTC 20 LLD	Shared Time Students PTC 20 LLD	Total Student Count
Avon	37	0	0		37
Belmar	97	14	1	1	113
Brielle	229	7	8		244
Lake Como	40	4	2	1	47
Manasquan	282	5	3		290
Sea Girt	36	0	1		37
Spring Lake	51	0	1		52
Spr Lk Hts	113	2	4	1	120
Employee Child	1				1
Parent Paid	2				2
Totals	888	32	20	3	943
				TOTAL MHS	943
				TOTAL MES	634
				TOTAL ENROLLMENT	1577

DECEMBER

Page 1

729

**Manasquan High School
2016-2017**

[illegible]

	SUSPENSIONS BY GRADE				
	9	10	11	12	TOTAL
OUT OF SCHOOL SUSPENSIONS:					
Under the Influence		1		2	3
Fighting	1		1	1	3
Theft			1		1
					0
					0
					0
					0
					0
IN-SCHOOL SUSPENSIONS:					
Disrespectful to Another Student			2		2
Fighting	1				1
Leaving School Grounds without Permission			2	2	4
Profanity to Staff Member			1	1	2
No Show Saturday Detention				2	2
Late to School				1	1
HIB		1	1		2
					0
					0
					0
					0
					0
TOTAL	2	0	8	9	21
SATURDAY DETENTION					
SMOKING - INSIGHT PROGRAM		1		4	5
					0

MONTHLY TARDIES REPORT 2016-2017

TIMES TARDY	SEPT	OCT	NOV	DEC	JAN	FEB	MARCH	APRIL	MAY	JUNE
1	144	189	197	195						
2	24	53	83	90						
3	19	34	35	37						
4	10	24	17	20						
5	2	10	12	8						
6	3	4	4	2						
7	3	3	2	2						
8	0	3	1							
9	1	0	1							
10	1	0	1							
11	0	1								
12	1	0								
13		1								
14										
15										
16										
17										
18										
19										
20										
21										
22										
23										
24										
25										
TOTAL STUDENTS	208	322	353	354	0	0	0	0	0	0
TOTAL TARDIES	369	636	661	632	0	0	0	0	0	0

**MANASQUAN SCHOOL DISTRICT ATTENDANCE COMPARISON REPORT
2016-2017 school year**

HIGH SCHOOL	<u>ATTENDANCE PERCENTAGE</u>	<u>AVERAGE DAILY ENROLLMENT</u>	<u>AVERAGE DAILY ATTENDANCE</u>	
Dec-15	95.05	937.21	883.97	
Dec-16	93.7	926.09	867.77	
ELEMENTARY SCHOOL				
Dec-15	94.85	637.882	608.912	
Dec-16	96.567	634.059	603.471	

**MANASQUAN SCHOOL DISTRICT FIRE DRILL REPORT
2016 - 2017 School Year**

HIGH SCHOOL

<u>DATE OF DRILL</u>	<u>TIME OF DRILL</u>	<u>LENGTH OF DRILL</u>	<u>COMMENTS</u>	<u>SECURITY DRILLS</u>
December 9	8:00 a.m.	5 minutes		Fire Drill
December 19	2:10 p.m.	10 minutes		Lockdown Drill
ELEMENTARY SCHOOL				
<u>DATE OF DRILL</u>	<u>TIME OF DRILL</u>	<u>LENGTH OF DRILL</u>	<u>COMMENTS</u>	<u>SECURITY DRILL</u>
December 6	3:10 p.m.	20 minutes		Shelter in Place Training
December 12	8:40 a.m.	10 minutes		Shelter in Place Drill

January 31, 2017

[illegible]

All victims received counseling.

POLICY GUIDE

ADMINISTRATION

1510/page 1 of 6

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Policy on Non-Discrimination**
Dec 16

M

[See POLICY ALERT Nos. 136, 151, 167 and 210]

1510 AMERICANS WITH DISABILITIES ACT RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/POLICY ON NON-DISCRIMINATION

It is the policy of the Board of Education that no qualified ~~handicapped or disabled person~~ **individual with a disability will** shall, on the basis of handicap or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity, or ~~services vocational opportunities~~ sponsored by this Board. The Board ~~will~~ shall comply with §504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as amended by the **Americans with Disabilities Amendments Act of 2008 (hereafter referred to as the Act)**. It shall also comply with the ~~Individuals with Disabilities Education Act~~ through the implementation of Policy No. 2460 and Regulations Nos. 2460 through 2460.14.

Notice of the **Board Policy 1530 – Equal Educational Opportunities and Board Policy 5750 – Equal Educational Opportunity** Board's policy on nondiscrimination in employment (~~Policy and Regulation No. 1530~~) and education (~~Policy and Regulation No. 5750~~) will be included in the Board policy manual, posted throughout the district, and referenced in any district statement regarding the availability of employment positions or educational services.

Employment

No employee or candidate for employment ~~will~~ shall be discriminated against in recruitment, hiring, advancement, discharge, compensation, **job** training, transfer, or any other term, condition, or privilege of employment solely **on the basis of a disability** because of his/her handicap/disability, provided the employee or candidate can, with or without reasonable accommodation, perform the essential functions of the position sought or held.

No candidate for employment ~~will~~ shall be required to answer a question or submit to an examination regarding a handicap/disability except as such handicap/disability relates directly to **perform job-related functions** the performance of the job sought. No candidate will be discriminated against on the basis of a handicap/disability that is not directly related to the essential function of the position for which he/she has applied.



© Copyright 2018 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 • 8199 • 732-255-1500

POLICY GUIDE

ADMINISTRATION

1510/page 2 of 6

Americans with Disabilities Act Rights of Persons With Handicaps or Disabilities/Policy on Non-Discrimination

Reasonable accommodations, not directly affecting the educational and/or instructional program, **will shall** be made to accommodate employment conditions to the needs of qualified **individuals** persons with ~~handicaps/disabilities~~. ~~Such accommodations may include, but are not limited to: rescheduling, restructuring jobs, making facilities accessible, acquiring or modifying equipment, modifying examinations, training materials, policies and procedures, and providing readers or interpreters making existing facilities used by employees readily assessable to and usable by individuals with disabilities, job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.~~

The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.

~~The Board employment policies and procedures shall comply with the Americans with Disabilities Act.~~

Facilities Maintenance and Accessibility

No qualified **individual with a disability** ~~handicapped/disabled person will shall~~, because of the school district's facilities being inaccessible or unusable by ~~handicapped/disabled persons~~, be denied the benefits of, be excluded from participation in or otherwise be subjected to discrimination under any program or activity offered by the Board. No new facilities **will shall** be constructed that do not fully comply with §504 of the Rehabilitation Act of 1973 and the American ~~with Disabilities Act~~. Alterations to existing facilities or part thereof, **will shall** be altered in such a manner to the maximum extent feasible, that the facilities are readily accessible and usable by individuals with ~~handicaps/disabilities~~ who have a need to access Board facilities.

The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by persons with disabilities.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8199 • 732-255-1500

POLICY GUIDE

ADMINISTRATION

1510/page 3 of 6

Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Policy on Non-Discrimination

Service, Program, and Activity Access Educational Program Accessibility

The district will make reasonable accommodations so that services, programs, and activities are readily accessible and usable by qualified individuals with disabilities. The district is not required to provide personal devices or services of a personal nature to qualified individuals with disabilities.

~~No qualified handicapped/disabled person shall be denied the benefit of, be excluded from participation in, or otherwise be subjected to discrimination in any activity offered by this district.~~

~~The Board has an affirmative obligation to evaluate a student who is suspected of having a handicap/disability to determine the student's need for special education and related services. The Board directs that all reasonable efforts be made to identify unserved children with handicaps/disabilities in this district who are eligible for special education and/or related services in accordance with Policy No. 2460 and Regulations Nos. 2460 through 2460.14, the Individuals with Disabilities Education Act, §504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990.~~

~~Section 504 of the Rehabilitation Act requires the Board to address the needs of children who are considered handicapped/disabled under §504 and do not qualify for services under the Individuals with Disabilities Education Act. A student may be handicapped/disabled within the meaning of §504, and therefore entitled to regular or special education and related aids and services under the §504 regulation, even though the student may not be eligible for special education and related services under Part B of the Individuals with Disabilities Education Act.~~

~~No student will be denied, because of his/her educational handicap/disability, participation in co-curricular, intramural, or interscholastic activities or any of the services offered or recognitions rendered regularly to the students of this district.~~

~~There will be grievance procedures for persons alleging discriminatory acts by the Board and/or staff. The due process rights of students with handicaps/disabilities and their parents will be rigorously enforced.~~



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 • 8199 • 732-255-1500

POLICY GUIDE

ADMINISTRATION

1510/page 4 of 6

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Policy on Non-Discrimination**

Evaluation and Compliance

The Superintendent or designee will evaluate district programs and practices on nondiscrimination, in accordance with law, and will report to the Board accordingly. Assurances of compliance will be submitted as required by law.

The district, with the assistance of interested persons, who may include individuals with disabilities or members of organizations representing individuals with disabilities, or other interested community members and staff, will evaluate its current services, policies, practices, and the effects thereof with regard to the requirements of the Act and make necessary modifications to meet the Act requirements. If such modifications would result in a fundamental alteration of the nature of the affected program or activity, or undue financial or administration burden, the district will provide access through means which would not result in a fundamental alteration or undue financial or administrative burden. 28 CFR §35.150(a)

For a period of at least three years following completion of the self-evaluation, the district will maintain on file, available for public inspection, a list of those interested persons consulted, a description of the areas examined and problems identified, and modifications made.

Enforcement - 28 CFR §35.107

The Board will designate the _____ is designated as district coordinator for matters dealing with ADA compliance §504 and Title IX. The district coordinator shall act as a compliance officer and can be contacted at the following address or telephone number:

Office Address: _____

Telephone Number: _____

Grievance procedures are outlined in Regulation 1510.

~~A complaint regarding a violation of law and this policy will be subject to a complaint procedure that provides for the prompt and equitable resolution of disputes.~~



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

ADMINISTRATION

1510/page 5 of 6

Americans with Disabilities Act Rights of Persons With Handicaps or Disabilities/Policy on Non-Discrimination

~~The complainant shall be notified of his/her rights of appeal at each step of the process, and accommodations to the needs of handicapped/disabled complainants shall be made. A complainant shall be informed of his/her right to file a formal action for redress with or without recourse to the complaint procedure established by this policy and its accompanying regulation.~~

~~A complaint regarding the identification, evaluation, classification, or educational program of a student with a handicap/disability shall be governed by the due process rules of the State Board of Education, N.J.A.C. 6A:14-2.7 and the Office of Administrative Law, N.J.A.C. 17:6A-1 et seq., and by the procedural safeguard processes established by Board Policy No. 2460 and Regulation No. 2460.6 or the grievance procedures established in Regulation No. 1510.~~

Guarantee of Rights

~~The Board will shall not interfere, directly or indirectly, with any person's exercise or enjoyment of the rights protected by the Act. §504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act or Title IX.~~

~~The Board will shall not discriminate against any person for that person's opposition to any act or practice made unlawful by law or this Ppolicy or for that person's participation in any manner in an investigation or proceeding arising under the Act. §504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Individuals with Disabilities Education Act or Title IX.~~

~~The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.~~

Evaluation and Compliance

~~The Board directs the Superintendent to evaluate district programs and practices on nondiscrimination, in accordance with law, and to report evaluations to the Board. The Board will submit such assurances of compliance as are required by law.~~



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

ADMINISTRATION

1510/page 6 of 6

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Policy on Non-Discrimination**

Notice Annual Publication

Policy and Regulation 1510 will be available to any member of the public in the district's Policy and Regulation Manual. This Policy will be published yearly prior to the beginning of the school year in a regional newspaper, magazine and/or other written communication that is available to the public.

29 U.S.C. 794 (Sec. 504, Rehabilitation Act of 1973)

20 U.S.C. 1401 et seq. (Individuals with Disabilities Education Act)

42 U.S.C. 12101 (Americans with Disabilities Act of 1990, **as amended**)

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

N.J.S.A. 18A:18A-17

N.J.A.C. 6A:14-1 et seq.

34 CFR Part 104

Adopted:



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 1 of 22

Americans with Disabilities Act Rights of Persons

With Handicaps or Disabilities/Non-Discrimination

Dec 16

M

[See POLICY ALERT Nos. 136, 138, 151, 167 and 210]

R 1510 AMERICANS WITH DISABILITIES ACT RIGHTS OF PERSONS WITH HANDICAPS OR DISABILITIES/NON-DISCRIMINATION

The Board of Education will comply with the requirements of the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (hereafter referred to as the "Act.")

A. Definitions

1. "Act" means the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.
2. "Auxiliary aids and services" are identified based on the context of the communication and the individual's disability.
28 CFR §35.104

They include, but are not limited to:

- a. Effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
 - b. Effective methods of making visually delivered materials available to individuals who are blind or have low vision;
 - c. Acquisition or modification of equipment or devices or similar services and actions; and
 - d. Other similar services and actions.
3. "Board" means the Board of Education of this school district.
 4. "Companion" means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a school district, who, along with such individual, is an appropriate person with whom the district should communicate.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 2 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

5. "Complete complaint" means a written statement, signed by the complainant or someone authorized to do so on his/her behalf, containing the complainant's name and address and describing the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation. 28 CFR §35.104
6. "Current illegal use of drugs" means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.
7. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.139
8. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:
 - a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
 - b. A record of such an impairment; or
 - c. Being regarded as having such an impairment.
9. "District" means this school district.
10. "District Coordinator" means the district official responsible for the coordination of activities relating to compliance with the Act.
11. "Drug" means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act. 21 U.S.C. §812
12. "Employee" means an individual employed by the Board.
13. "Essential functions of the employment position" are based upon the employer's judgment and can include an employer's written description, prepared before advertising or interviewing applicants for the job.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1600

REGULATION GUIDE

ADMINISTRATION

R 1510/page 3 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

14. "Existing facility" means a facility in existence on any given date, newly constructed or altered.
15. "Facility" means all or any portion of buildings, property, or structures, including the site where the building, property, structure, or equipment is located.
16. "Illegal use of drugs" means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. 21 U.S.C. §812
17. "Individual with a disability" means a person who has a disability and does not include an individual currently engaging in the illegal use of drugs, when the district acts on the basis of such use.
18. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, reaching, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also includes physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105
19. "Mitigating measures" means steps taken to eliminate or reduce the symptoms or impact of an impairment. "Mitigating measures" include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 4 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102

- a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.
20. "Office for Civil Rights" (OCR) means the United States Department of Education Office for Civil Rights.
21. "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines used by individuals with mobility disabilities for the purpose of locomotion, including any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. 28 CFR §35.104
22. "Physical or mental impairment" means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR §36.105(b)4



© Copyright 2016 • Strauss Esnay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 5 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
 - b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.
 - c. An impairment that is episodic or in remission may be considered a "disability" if it would substantially limit a major life activity when active.
 - d. Not all impairments are disabilities.
23. "Public entity" means this Board of Education.
24. "Qualified individual" for the purposes of employment, means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position (based upon the employer's judgment) that such individual holds or desires. An employer's written description, prepared before advertising or interviewing applicants for the job, shall be considered evidence of the essential functions of the job. 42 U.S.C. 126 §12111(8)



© Copyright 2016 • Strause Esmay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 6 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

25. "Reasonable accommodation" may include making existing facilities used by employees readily assessable to and usable by individuals with disabilities and job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
26. "Record of such an impairment" means the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
27. "Regarded as having an impairment" means the individual establishes that he or she has been subjected to a prohibited action under the Act because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.
 - a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)
 - b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of "disability" solely under the "regarded as" prong.
28. "Substantially limits" means the extent to which the impairment limits an individual's ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102(4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits performance of a major life activity include:



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 7 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.
- b. That it does not demand extensive analysis.
- c. That it substantially limits one major life activity, but not necessarily other major life activities.
- d. That it may be episodic or in remission, as long as the impairment would substantially limit a major life activity when active.
- e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.
- f. That it requires an individualized assessment which does not create an "inappropriately high level of limitation" and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).
- g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate evidence that can be considered may include statements or affidavits of affected individuals and school records).
- h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.
- i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: "actual disability" or "record of".



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8189 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 8 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

29. "Undue hardship" means an action requiring significant difficulty or expense when considered in light of factors which include: the nature and cost of the needed accommodation; the overall financial resources of the district or facility providing the reasonable accommodation; the size of the district with respect to the number of employees; effect on expenses and resources, or the impact otherwise of accommodation upon the operation of the facilities; and the type/location of facilities. 42 U.S.C. 126 §12111 (10)
30. "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability.

B. General Requirements

1. Prohibitions Against Discrimination

- a. Discrimination is prohibited against a qualified individual on the basis of a disability. Such individual will not be excluded from participation in or denied the benefits of district services, programs, or activities or be subjected to discrimination by the district in accordance with 28 CFR §35.130. The district must ensure that:
- (1) When services, programs, and activities are viewed in their entirety, they are accessible to and usable by individuals with disabilities; and
 - (2) Access to services, programs, and activities is provided in an integrated setting unless separate programs are necessary to ensure equal benefits.
- b. The district is not required to take any action that would result in a fundamental alteration of the nature of the program or activity or undue financial or administrative burden. However, claiming undue burden still requires the district to provide access through means that would not result in a fundamental alteration or undue financial or administrative burden.



© Copyright 2018 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08763 • 8199 • 732-265-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 9 of 22

Americans with Disabilities Act Rights of Persons

With Handicaps or Disabilities/Non-Discrimination

2. Direct Threat - 28 CFR §35.139

- a. The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.
- b. To determine whether an individual poses a direct threat to the health or safety of others, the district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:
 - (1) The nature, duration, and severity of the risk;
 - (2) The probability that the potential injury will actually occur; and
 - (3) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

3. Illegal Use of Drugs - 28 CFR §35.131

- a. The district will not discriminate on the basis of past illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who:
 - (1) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;
 - (2) Is participating in a supervised rehabilitation program; or
 - (3) Is erroneously regarded as engaging in such use.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8199 • 732-255-1600

REGULATION GUIDE

ADMINISTRATION

R 1510/page 10 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- b. While the Act does not prohibit discrimination against an individual based on that individual's current illegal use of drugs, the district will not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.
- c. The Act does not prohibit the district from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

C. Personal Devices and Services

- 1. The district will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 CFR §35.137
- 2. The district will make reasonable modifications to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless the district can demonstrate that the power-driven device cannot be operated in accordance with legitimate safety requirements pursuant to 28 CFR §35.137. The district will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. The district may require the individual to provide credible assurance that the device is required because of the person's disability.
- 3. The district is not required to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing pursuant to 28 CFR §35.135.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1600

REGULATION GUIDE

ADMINISTRATION

R 1510/page 11 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

D. Employment - 42 U.S.C. 126 §12112

1. Discrimination in Employment

- a. The Board will not discriminate against a qualified individual on the basis of disability in regard to job application procedures; hiring, advancement, or discharge; compensation; job training; and other terms, conditions, and privileges of employment.
- b. Applicants and employees working for or applying to work for the district who qualify for a job and are able to perform the essential functions of that job are entitled to reasonable accommodations provided that such accommodations do not pose undue hardship for the district.
- c. Nothing in the Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation as outlined in N.J.A.C. 6A:32-4.1 et seq.
- d. The school district may not, on the basis of disability:
 - (1) Limit, segregate, or classify a qualified individual in a way that adversely affects his/her opportunities or status of such employee, applicant, or participant in a contractual or other arrangement;
 - (2) Utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or perpetuate the discrimination of others subject to common administrative control;
 - (3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to associate or have a relationship;



© Copyright 2016 • Strauss Esnay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 12 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- (4) Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability or deny employment opportunities to such qualified individual unless the district can demonstrate that the accommodation would impose undue hardship to district operations;
 - (5) Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out individuals with disabilities unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity; and/or
 - (6) Select and administer tests concerning employment to otherwise qualified individuals who possess impaired sensory, manual, or speaking skills, unless done in an effective manner to ensure that, when such tests are administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the skills, aptitude, or other factors such tests purport to measure rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant (except where such skills are the factors that the test purports to measure).
2. Medical Examinations and Inquiries - (42 U.S.C. 126 §12112)
- a. Pre-employment
 - (1) Prohibited examination or inquiries:
 - (a) Whether such an applicant is an individual with a disability; or
 - (b) The nature or severity of such disability.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 13 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- (2) Acceptable inquiry:
 - (a) The ability of an applicant to perform job-related functions.
- b. Employment Entrance Examinations
 - (1) The district may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:
 - (a) All entering employees are subject to such an examination regardless of disability;
 - (b) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
 - i. Supervisors and managers may be informed regarding necessary restrictions on work or duties of the employees and necessary accommodations;
 - ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
 - iii. Government officials investigating compliance with this Act, will be provided relevant information on request.
 - (2) The results of such examination shall only be used in accordance with these provisions.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 14 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

c. Examination and Inquiry:

(1) Prohibited examinations and inquiries:

- (a) The district will not require a medical examination and will not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(2) Acceptable examinations and inquiries:

- (a) The district may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees in the district.
- (b) The district may make inquiries into the ability of an employee to perform job-related functions.

3. Defenses - 42 U.S.C. 126 §12113

a. Qualification Standards

- (1) It may be a defense to a charge of discrimination under the Act that an alleged application of qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under the Act.



© Copyright 2016 • Strauss Esmy Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 15 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- (a) The term "qualification standards" may include a requirement that an individual will not pose a direct threat to the health or safety of other individuals in the workplace.
 - (b) Notwithstanding 42 U.S.C. 126 §12102 (4)(E)(ii), the Board will not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.
- b. Infectious and Communicable Diseases
- (1) In any case in which an individual has an infectious or communicable disease included on the list developed by the United States Secretary of Health and Human Services in accordance with the Act, and which cannot be eliminated by reasonable accommodation, and that is transmitted to others through the handling of food, the Board and its administration may refuse to assign or allow such individual to continue to work in a job involving food handling.
- c. Illegal Use of Drugs and Alcohol - 42 U.S.C. 126 §12114
- (1) An individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, with exceptions noted in section B.3. of this Regulation.



© Copyright 2016 • Strause Esmy Associates, LLP • 1898 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 16 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- (2) The Board will hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

d. Drug Testing

- (1) For the purposes of the Act, a test to determine the illegal use of drugs will not be considered a medical examination.
- (2) No provision of the Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

E. Program Accessibility

1. Discrimination Prohibited

- a. Except as otherwise provided in 28 CFR §35.150, no qualified individual with a disability will, because the district's facilities are inaccessible to or unusable by individuals with disabilities, including inside or outside access to such facilities, may be excluded from participation in, or be denied the benefits of the services, programs, or activities of the district, or be subjected to discrimination by the district.
- b. The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by individuals with disabilities. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 CFR §35.133



© Copyright 2016 • Strauss Esmy Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8199 • 732-265-1600

REGULATION GUIDE

ADMINISTRATION

R 1510/page 17 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- (1) In regard to existing facilities, the district will operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.
 - (a) The district is not required to fundamentally alter the nature of a service, program, or activity, or assume undue financial or administrative burdens, or take any action threatening the historic significance of a historic property and has the burden of proving that compliance with the Act would result in such alterations or burdens.
28 CFR §35.150(a)
 - (b) Should the Board and Superintendent of Schools or his/her designee determine, after considering all resources available, that compliance would result in such alteration or burden, a written statement of reasons must accompany such a determination.
 - (c) The Board will take any other action, including, but not limited to redesign or acquisition of equipment, or reassignment of services or staff, that would not result in such alteration or burden, but would, nevertheless, ensure that individuals with disabilities receive the benefits/services provided by the district.
- (2) In regard to new construction and alterations, each facility or part of a facility constructed by, on behalf of, or for the use of the district will be designed and constructed in such manner, in accordance with 28 CFR §35.151, that the facility or part of the facility is readily accessible to and usable by individuals with disabilities.



© Copyright 2016 • Strauss Esmy Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 18 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- (a) Full compliance with the requirements of 28 CFR §35.151 is not required where the district can demonstrate that it is structurally impracticable to meet the requirements.
- (b) If providing accessibility in conformance with 28 CFR §35.151 to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with 28 CFR §35.151.

F. Communications - 28 CFR §35.160

- 1. The district will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.
- 2. The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.
 - a. Auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
 - b. The district will not require an individual with a disability to bring another individual to interpret with a disability. The district will not rely on an adult accompanying an individual with a disability or on a minor child to interpret



© Copyright 2016 • Strauss Esmy Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 19 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interprets or facilitates communication, the accompanying adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.

3. Where the district communicates by telephone with applicants and beneficiaries who are deaf, hard of hearing, or who have speech impairments, text telephones (TTYs) or equally effective telecommunications systems equipped with emergency service access will be used to communicate, in the same time and manner as with other telephone systems (including automated systems).
28 CFR §35.161
4. The district will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, including signage at all inaccessible facility entrances.
28 CFR §35.163

G. Grievance Procedure - 28 CFR §35.107(b)

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall first discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the District Coordinator. The complaint will include:
 - a. The complainant's name and address;
 - b. The specific act or practice of which the complainant complains;



© Copyright 2016 • Strauss Esmay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753-8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 20 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

- c. The employee, if any, responsible for the allegedly discriminatory act;
 - d. Results of discussions conducted in accordance with paragraph G.1. above; and
 - e. Reasons why those results are not satisfactory.
- 3. The District Coordinator will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
 - 4. The response of the District Coordinator may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
 - 5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require at the hearing the presence of the staff member charged with a discriminatory act and any other person with knowledge of the complained act.
 - 6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.



© Copyright 2016 • Strauss Esnay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

ADMINISTRATION

R 1510/page 21 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the School Business Administrator/Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
 - a. The original complaint;
 - b. The response to the complaint;
 - c. The Superintendent's decision;
 - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
 - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. If a staff member is charged with a discriminatory act, the Board will provide a copy of the appeal to that staff member.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:

U.S. Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section -- 1425 NYAV
Washington, D.C. 20530



© Copyright 2016 • Strauss Esmay Associates, LLP • 1686 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1600

REGULATION GUIDE

ADMINISTRATION

R 1510/page 22 of 22

**Americans with Disabilities Act Rights of Persons
With Handicaps or Disabilities/Non-Discrimination**

12. An individual who believes he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the district may, by himself/herself, or an authorized representative, at any time, file a complaint directly with OCR.
13. Record:
 - a. The record of any complaint processed in accordance with this procedure will be maintained in a file kept by the District Coordinator.
 - b. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Adopted:



© Copyright 2016 • Strauss Esnay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8199 • 732-255-1500

POLICY GUIDE

STUDENTS

5116/page 1 of 4

Education of Homeless Children

Dec 16

[See POLICY ALERT Nos. 160 and 210]

5116 EDUCATION OF HOMELESS CHILDREN

The Board of Education will admit and enroll homeless children in accordance with **Federal and State laws** and New Jersey Administrative Code. The Board of Education adopts this ~~P~~policy to be in compliance with law and **administrative code** ~~Code~~ to ensure the enrollment of homeless children in school and to respond to appeals made by parents(s) or legal guardian(s) or other parties related to ~~the~~ **their enrollment of homeless children.**

The Board of Education ~~The district will~~ **shall** determine **that** a child is homeless when he or she resides in a publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers. A child is also determined homeless when he or she resides in a public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles ~~including~~ **IN** mobile homes; tents or other temporary shelters; **parks; abandoned buildings; bus or train stations;** temporary shelters provided to migrant workers and their children on farm sites; and the residence of relatives or friends with whom ~~where~~ **where** the homeless child **resides** is temporarily residing out of necessity because ~~his or her~~ **the** family lacks a regular or permanent residence of its own. **A child is also determined homeless when he or she resides in substandard housing or any temporary location wherein children and youth are awaiting foster care placement.**

The **school** district of residence for a homeless child is responsible for the education of the child and ~~shall~~ **will** assume all responsibilities as required in N.J.A.C. 6A:17-2.34 et seq. The **school** district of residence **for a homeless child means** is the school district in which the parent(s) or legal guardian(s) of a **homeless child resided** ~~last resided~~ prior to becoming homeless.

The school district liaison **designated by the Superintendent of Schools** for the education of homeless children is ~~Director of Special Services~~ **the** liaison will facilitate communication and cooperation between the school district of residence and the school district where the homeless child **resides and shall assume all responsibilities as outlined in N.J.A.C. 6A:17-2.4(a).** ~~is temporarily residing and will develop procedures to ensure that a homeless child temporarily residing in the district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.6.~~



© Copyright 2016 • Strauss Esmeay Associates, LLP • 1880 Hinds Road • Suite 1 • Toms River, NJ 08763 • 8199 • 732-255-1500

POLICY GUIDE

STUDENTS

5116/page 2 of 4

Education of Homeless Children

When a homeless child ~~resides in a school district is living temporarily in the school district~~, the school district liaison shall **notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager.** ~~upon receiving notification from the parent(s) or legal guardian(s), the Department of Human Services, a shelter director, an involved agency, or a case manager, will notify the liaison of the district of residence within twenty-four hours of the notification.~~ Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence **shall will** coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.56(b).

The Superintendent **of the school district of residence** or designee ~~of the district of residence~~ shall decide **in which school the district of enrollment** of the homeless child **shall be enrolled** in accordance with **the provisions of N.J.A.C. 6A:17-2.56 et seq.**

Unless parental rights have been terminated by a court of competent jurisdiction, the parent(s) ~~or legal guardian(s)~~ retains all rights under N.J.A.C. 6A:17-2.1 et seq.

When If a dispute occurs regarding the determination of homelessness **or the determination of the school district of enrollment made by the school district of residence**, the Superintendent(s) **or the designee(s)** of the involved district(s) or the child's parent(s) or legal guardian(s) ~~of the child must~~ **shall** immediately notify the Executive County Superintendent of Schools, who, **in consultation with the Department of Education's McKinney-Vento Homeless Education Coordinator or designee, shall immediately will** decide the child's status ~~of the child within two working days.~~ If a dispute remains between the parent(s) ~~or legal guardian(s) and/or~~ **and the involved the school district(s)** following the Executive County Superintendent's determination, the parent(s) ~~or legal guardian(s)~~ or the involved district Board(s) of Education may appeal to the Commissioner of Education for determination pursuant to N.J.A.C. 6A:3, **Controversies and Disputes et seq.**



© Copyright 2016 • Strauss Esmay Associates, LLP • 1898 Hinds Road • Suite 1 • Toms River, NJ 08753 • 8199 • 732-255-1500

POLICY GUIDE

STUDENTS

5116/page 3 of 4

Education of Homeless Children

When a school ~~If the district is designated as the school district of residence and disputes its such designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent of Schools, who shall immediately will make a determination, if possible, but no later than within forty-eight hours within two working days. The district may appeal the County Superintendent's determination to the Department of Education pursuant to N.J.A.C. 6A:23-5.2(d), (e), and (f).~~

If a the dispute occurs regarding the determination of the district of residence enrollment does not involve the determination of homelessness and/or district enrollment, the school district made by the district of residence, disputing the Executive County Superintendent's determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f) and request a determination from the Division of Administration and Finance. ~~of the district of residence shall immediately notify the County Superintendent of Schools. The County Superintendent will determine within two working days where the child shall be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b). If the County Superintendent's decision is disputed, the Department of Education shall provide for mediation in accordance with N.J.A.C. 6A:17-2.8(c)1. If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.~~

Any A dispute or appeal shall will not delay the homeless child's immediate enrollment or continued enrollment in the school district entrance into school. The homeless child shall will be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal designated by the County Superintendent pending resolution of the dispute or appeal. Disputes and appeals involving the services provided to a homeless child with a disability educational disabilities shall will be made pursuant to N.J.A.C. 6A:14.



© Copyright 2016 • Strauss Esmeay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 • 8109 • 732-255-1600

POLICY GUIDE

STUDENTS

5116/page 4 of 4

Education of Homeless Children

Financial responsibility, including the payment of tuition for the homeless child, will be in accordance with N.J.A.C. 6A:17-2.89 et seq. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 **until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d.** At that time, the school district of residence shall no longer list the student on its ASSA. ~~as long as the parent(s) or legal guardian(s) remains homeless and the child is enrolled in another school district. If a district of residence cannot be determined for a homeless child or if a district of residence is outside of the State, The State shall will assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1(d) and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. under the circumstances outlined in N.J.A.C. 6A:17-2.8(c). The State will pay the tuition, in accordance with N.J.A.C. 6A:17-2.9(c)1., to the school district in which the child is currently enrolled for as long as the child and his or her parent(s) or legal guardian(s) remain homeless.~~

N.J.S.A. 18A:7B-12; 18A:7B-12.1

N.J.A.C. 6A:17-2.1 et seq.

Adopted:



© Copyright 2016 • Strauss Esmy Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

STUDENTS
R 5116/page 1 of 11
Education of Homeless Children
Dec 16

[See POLICY ALERT Nos. 160 and 210]

R 5116 EDUCATION OF HOMELESS CHILDREN

A. Definitions (N.J.A.C. 6A:17-1.2)

1. "School district liaison for the education of homeless children" means the person identified in the each school district that facilitates all of the activities needed to ensure the enrollment and attendance of homeless children.
2. "School district of residence" for a homeless child means the school district in which the parent of a homeless child last resided prior to becoming homeless. It may not be the school district in which the student currently resides. This is synonymous with the term "school district of origin" referenced in the McKinney-Vento Homeless Education Assistance Act. "School district of residence" for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.b.
3. "Homeless child" means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12 and N.J.A.C. 6A:17-2.32.
4. "Immediate" or "immediately" means at the instant the need for placement is made known.
54. "Parent" means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, or and person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child's welfare.
65. "Superintendent" means Superintendent and/or Chief School Administrator.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753-8199 • 732-255-1600

REGULATION GUIDE

STUDENTS

R 5116/page 2 of 11

Education of Homeless Children

B. Determination of ~~Homelessness~~ Homeless Status (N.J.A.C. 6A:17-2.2)

1. **The Board of Education** ~~The district shall will~~ determine that a child is homeless **for the purposes of N.J.A.C. 6A:17-2** when he or she resides in any of the following:
 - a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers-;
 - b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles **including** ~~excluding~~ mobile homes; tents or other temporary shelters; **parks; abandoned buildings; bus or train stations;** or temporary shelters provided to migrant workers and their children on farm sites-;
 - c. The residence of relatives or friends ~~where with whom~~ the homeless child **resides** ~~is temporarily residing~~ out of necessity because **his or her** ~~the~~ family lacks a regular or permanent residence of its own-;
 - d. **Substandard housing; or**
 - e. **Any temporary location wherein children and youth are awaiting foster care placement.**

C. Responsibilities of the School District of Residence (N.J.A.C. 6A:17-2.3)

1. The **school** district of residence for a homeless child is responsible for the education of the child and ~~shall will~~:
 - a. Determine the **school** district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.56;
 - b. Pay the cost of tuition pursuant to ~~N.J.A.C. 6A:23-3.1~~ **N.J.S.A. 18A:38-19**, when the child attends school in another **school** district; and
 - c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.



© Copyright 2016 • Strauss Esmy Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

STUDENTS

R 5116/page 5 of 11

Education of Homeless Children

2. When a homeless child ~~resides is living temporarily~~ in a school district, the district liaison ~~shall notify the liaison of the school district of residence within twenty-four hours, upon~~ of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager, ~~will notify the liaison of the district of residence within twenty-four hours of the notification.~~
 3. Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence ~~shall~~ will coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.56(b).
- E. **School District Enrollment (N.J.A.C. 6A:17-2.5)**
1. The Superintendent or ~~designee~~ of the school district of residence or ~~designee~~ shall will decide in which district the homeless child shall will be enrolled as follows:
 - a. ~~Enroll To continue~~ the homeless child's education in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child's parent last attendance if the district of last attendance is not the district of residence;
 - b. Continue the homeless child's education in the school district of last attendance if it is not the school district of residence To enroll the homeless child in the district of residence; or
 - c. Enroll the homeless child in the school district where the child resides To enroll the homeless child in the school district where the child is temporarily living.
 2. The Superintendent of the school district of residence or ~~designee~~ shall will decide the school district of enrollment of a homeless child based on what is determined to be in the best interest of the child after considering:
 - a. The enrollment of the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child's parent.



© Copyright 2016 • Strauss Esmy Associates, LLP • 1006 Hinds Road • Suite 1 • Teaneck, NJ 07653 • 5100 • 732-255-1500

REGULATION GUIDE

STUDENTS

R 5116/page 6 of 11

Education of Homeless Children

- ha. The continuity of the child's educational program;
 - b. ~~The preference of the parent as to where the child should attend school;~~
 - c. The eligibility of the child for special instructional programs, including but not limited to bilingual, gifted and talented, special education, early childhood, and career and technical education vocational programs; and
 - d. The distance, travel time, and safety factors in coordinating transportation services from the temporary residence to the school.
3. The Superintendent of the school district of residence or designee shall will determine the child's school district enrollment immediately in a timely manner after consultation with the parent as follows. The school district of residence shall adhere to the following procedures:
- a. Enrollment decisions shall will be made immediately within three school days of upon notification of the need for enrollment. When the decision is made, the child will be enrolled immediately. If a dispute arises regarding enrollment of a homeless child, the homeless child shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7, and
 - ha. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall will be documented in writing.
 - c. A decision to enroll a homeless child in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.



© Copyright 2010 • Strauss Emswiler Associates, LLP • 1338 Hinds Road • Suite 1 • Toms River, NJ 08753 • 6199 • 732-256-1500

REGULATION GUIDE

STUDENTS

R 5116/page 7 of 11

Education of Homeless Children

4. When a decision is made to enroll the child in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall will forward to the new school district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32, School District Operations. ~~When the parent is homeless due to conditions of domestic violence, the transfer of student records will be subject to the provisions of N.J.A.C. 6:3-6.~~
5. When a homeless child with a ~~disability~~ educational disabilities is enrolled in a school district other than the school district of residence, the school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education ~~child will be placed in a program consistent with the goals and objectives of the child's individualized educational program. Within thirty days after placement, the district where the child is placed will review and revise the individualized educational program pursuant to N.J.A.C. 6A:14.~~
6. When the school district of residence for a homeless child cannot be determined, the Superintendent or designee of the school district in which the child currently resides is temporarily residing will shall enroll the child immediately in the school district of the current temporary residence or the school district of last attendance.
7. The school district selected pursuant to N.J.A.C. 6A:17-2 shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.
8. Enrollment in the school district of residence, the school district of last attendance if not the school district of residence, or the school district where the child resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child becomes permanently housed during the academic year.



© Copyright 2016 • Straus Esmay Associates, LLP • 1000 Trade Road • Suite 1 • Trenton, NJ 08653 • 610 • 732-255-1800

REGULATION GUIDE

STUDENTS

R 5116/page 8 of 11

Education of Homeless Children

F. Parental Rights (N.J.A.C. 6A:17-2.6)

1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 et seq.

G. Disputes and Appeals (N.J.A.C. 6A:17-2.7)

1. **When if a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or designee(s) of the involved school district(s) or the child's parent(s) of the child will shall immediately notify the Executive County Superintendent of Schools, who, in consultation with the Department's McKinney-Vento Homeless Education Coordinator or designee, shall immediately will decide the child's status of the child within two working days. If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent's determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.**
2. **When If a school district designated as the school district of residence disputes its such designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall will immediately notify the Executive County Superintendent of Schools, who shall will make a determination immediately, if possible, but no later than within forty-eight hours within two working days. The district may appeal the County Superintendent's determination to the Department of Education pursuant to N.J.A.C. 6A:23-5.2 (d), (e), and (f).**



© Copyright 2010 • Strauss Esnay Associates, LLP • 5800 Hinds Road • Suite 1 • Toms River, NJ 08763 • B490 • 732-255-1600

REGULATION GUIDE

STUDENTS

R 5116/page 9 of 11

Education of Homeless Children

- a3. ~~If a the dispute occurs regarding the determination of the district of residence enrollment does not involve the determination of homelessness and/or district enrollment, the school made by the district of residence disputing the Executive County Superintendent's determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of Administration and Finance the Superintendent of the district of residence will immediately notify the County Superintendent of Schools. The County Superintendent will determine within two working days where the child will be enrolled based on the child's best interest pursuant to N.J.A.C. 6A:17-2.6(b).~~
- b. ~~If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.~~
- a. ~~If the County Superintendent's decision is disputed, the Department of Education will provide for mediation as follows:~~
- ~~(1) The request must be made to the Department of Education in writing.~~
 - ~~(2) Requests for mediation will cite the issues in dispute and the relief sought.~~
 - ~~(3) A mediation conference must be conducted within five school days after the request is made at a time and place reasonably convenient to all parties in the dispute.~~
 - ~~(4) If the mediation does not result in an agreement, an appeal may be made to the Commissioner of Education pursuant to N.J.A.C. 6A:3 et seq.~~



© Copyright 2016 • Shuster Esmay Associates, LLP • 1686 Hinds Road • Suite 1 • Toms River, NJ 08753-8108 • 732-266-1600

REGULATION GUIDE

STUDENTS
R 5116/page 10 of 11
Education of Homeless Children.

34. Any dispute or appeal shall not delay the homeless child's immediate **enrollment or continued enrollment in the school district entrance into school**. The homeless child shall ~~will~~ be enrolled in the school district in which **enrollment or continued enrollment is sought by the parent, designated by the County Superintendent** pending resolution of the dispute or appeal.
45. Disputes and appeals involving the services provided to a homeless child with a **disability** ~~educational disabilities will~~ shall be made pursuant to N.J.A.C. 6A:14.

H. Tuition (N.J.A.C. 6A:17-2.8)

1. ~~When~~ If the homeless child is enrolled in a school district other than the school district of residence, the school district of residence shall ~~will~~ pay to the school district of enrollment the **tuition costs of tuition for the child to that district** pursuant to N.J.S.A. 18A:38-19 and ~~N.J.A.C. 6A:23-3.1~~ until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer pay tuition to the school district of enrollment.
2. The school district of residence shall ~~will~~ list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer list the student on its ASSA for as long as the parent remains homeless and the child is enrolled in another school district.
3. The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d, under the following circumstances:



© Copyright 2016 • Stratus Esmay Associates, LLP • 1336 Hinds Road • Suite 1 • Toms River, NJ 08753 • B199 • 732-255-1500

REGULATION GUIDE

STUDENTS

R 5116/page 11 of 11

Education of Homeless Children

- a3. If the school district of residence cannot be determined for the a homeless child; or
 - b. If the school district of residence is outside of the State; or
 - c. If a child resides in a Department of Community Affairs-licensed emergency shelter or transitional living facility due to domestic violence for more than a year combined for the duration of the placement pursuant to N.J.S.A. 18A:7B-12.d. the State will assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12(d). The State will pay the tuition to the school district in which the child is currently enrolled for as long as the child and his or her parent remain homeless.
- (1)a. When the State assumes fiscal responsibility for the tuition of a homeless child, the State shall will pay to the school district in which the child is enrolled the weighted base per pupil amount calculated appropriate T&B amount, pursuant to N.J.S.A. 18A:7F-493, and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56 any appropriate additional cost factor for special education, pursuant to N.J.S.A. 18A:7F-19.

Issued:



Copyright 2018 • Strauss Esmay Associates, LLP • 1885 Hinds Road • Suite 1 • Toms River, NJ 08763 • 6190 • 732-256-1500

POLICY GUIDE

OPERATIONS
8330/page 1 of 11
Student Records
Dec 16
M

[See POLICY ALERT Nos. 83, 95, 110, 121, 138, 139,
144, 163, 171, 175 and 210]

8330 STUDENT RECORDS

The Board of Education believes that information about individual students must be compiled and maintained in the interest of the student's educational welfare and advancement. The Board will strive to balance the student's right to privacy against the district's need to collect, retain, and use information about individual students and groups of students. The Board authorizes the establishment and maintenance of student files that include only those records mandated by law, rules of the State Board of Education, authorized administrative directive, and those records permitted by this Board.

The Superintendent shall prepare, present to the Board for approval, and distribute regulations that implement this Policy and conform to applicable State and Federal law and rules of the State Board of Education.

For purposes of this Policy:

1. ~~"Adult student" means a student who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.~~
2. ~~"Parent" means the natural or adoptive parent, the legal guardian, surrogate parent, or a person acting in place of a parent in accordance with N.J.A.C. 6A:32-2.1. Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. "Parent" shall also include, for the purposes of N.J.A.C. 6A:32, the adult student. A foster parent may act as a parent under the provisions of N.J.A.C. 6A:32 if the parent's authority to make educational decisions on the student's behalf has been terminated by a court of appropriate jurisdiction.~~

General Considerations

The Board of Education shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in



© Copyright 2016 • Struza Essay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08763 • 8108 • 732-265-1609

POLICY GUIDE

OPERATIONS
8330/page 2 of 11
Student Records

accordance with the provisions of N.J.A.C. 6A:32-7.1 et seq. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record. The school district shall provide annual, written notification to notify parents, and adult students, and emancipated minors annually in writing of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. The school district shall make every effort to notify parents and adult students in their dominant language.

Nothing in this Policy shall be construed to prohibit certified school personnel, at their discretion, from disclosing student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

No liability shall be attached to any member, officer, or employee of the Board of Education permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq. Department of Education rules.

Student Information Directory

A student information directory is a publication of a the school district Board of Education that includes student information relating to a student as defined in N.J.A.C. 6A:32-2.1. This information includes: name; grade level; date and place of birth; dates of school attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information. The student information directory shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. In the event the school district publishes information included in the a student information directory, the Superintendent or designee will provide a parent or adult student a ten-day period inform parents or adult students of such publication, and parents or adult students will be afforded a ten-day period to submit a written statement to submit to the Superintendent a written statement prohibiting the school district from including any or and all types of information about the student in any student information directory before allowing access to such directory to educational, occupational, and military recruiters pursuant to N.J.S.A. 18A:36-19.1 and P.L. 107-110 sec. 9528, Armed Forces Recruiter Access to Students and Student Recruiting Information of the No Child Left Behind Act of 2001.



© Copyright 2018 • Stratus Essey Associates, LLP • 1666 Hindle Road • Suite 1 • Toms River, NJ 08753 • 8166 • 732-256-1500

POLICY GUIDE

OPERATIONS
8330/page 3 of 11
Student Records

School Contact Directory for Official Use

A school contact directory for official use is a compilation by the school district that includes the following information for each student: name; address; telephone number; date of birth; and school enrollment. The district shall compile and maintain, but need not publish, a school contact directory for official use, that which is separate and distinct from the student information directory. The student contact directory may be provided School personnel shall provide information from the school contact directory for official use only to judicial and , law enforcement personnel, and to medical personnel who are currently providing services to the student in question. In order for a parent or adult student To exclude any information from the school contact directory for official use the parent, or adult student, or emancipated minor shall notify the Superintendent or designee in writing on a form prescribed by the Commissioner of Education.

Mandated and Permitted Student Records

Mandated student records are those records school districts have been directed to compile by State statute, regulations, or authorized administrative directive in accordance with N.J.A.C. 6A:32-7.3.

Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to be collected in order to promote the student's educational welfare of the student. The Board shall authorize the permitted records to be collected by adopting at a regular public Board meeting a resolution listing such permitted records or Policy and Regulation 8330, which will list such permitted records.

Maintenance and Security of Student Records

The Superintendent or designee shall be responsible for the security of student records maintained in the school district. Policy and Regulation 8330 assure that access to such records is limited to authorized persons.

Records for each individual student may shall be stored electronically or in paper format maintained in a central file at the school attended by the student. When records are maintained in different locations, a notation in the central file as to where such other records may be found is required. When student records are stored electronically, proper security and back-up procedures shall be administered.



© Copyright 2016 • Straube Eerday Associates, LLP • 1880 Hinds Road • Suite 1 • Toms River, NJ 08753 • 6193 • 732-255-1500

POLICY GUIDE

OPERATIONS
8330/page 4 of 11
Student Records

~~Student health records shall be maintained and located in a locked cabinet or room in the school building or complex where the student is assigned. Records kept in electronic form shall be both accessible and secure.~~ Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record. Records shall be accessible during the hours in which the school program is in operation.

~~Security blocks will be installed for records stored in any computer system to protect against any security violations of the records stored therein. To guard against the loss of student records, the district shall maintain an updated hard copy and backup versions of student records.~~

Any district internet website shall not disclose any personally identifiable information about a student **without receiving prior written consent from the student's parent**, in accordance with the provisions of N.J.S.A. 18A:36-35. **Personally identifiable information means student names; student photos; student addresses; student e-mail addresses; student phone numbers; and locations and times of class trips.**

Access to Student Records

Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to **people** ~~these authorized organizations, agencies, and persons under the conditions~~ permitted by Federal and State statute and regulations in accordance with N.J.A.C. 6A:32-7.5.

The district ~~[will or may]~~ **may** charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-52, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or **other Federal and State** ~~under~~ rules and regulations regarding students with disabilities, **including N.J.A.C. 6A:14.**



© Copyright 2016 • Shattuck Esmay Associates, LLP • 1466 Hinds Road • Suite 1 • Toms River, NJ 08753 • 0169 • 732-255-1900

POLICY GUIDE

OPERATIONS
8330/page 5 of 11
Student Records

Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

Only The following authorized organizations, agencies, or and persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, **including** student health records:

1. ~~The student who has the written permission of a parent and the parent of a student under the age of eighteen whether or not the child resides with that parent except per N.J.S.A. 9:2-4; the place of residence shall not be disclosed and access shall not be provided if denied by a court.~~
2. ~~Students at least sixteen years of age who are terminating their education in the district because they will graduate secondary school at the end of the term or no longer plan to continue their education.~~
3. ~~The adult student and the student's parent who has the written permission of such student, except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student.~~
4. ~~Certified school district personnel who have assigned educational responsibility for the student shall have access to the general student record, but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-1.5.~~
5. ~~Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies as indicated in N.J.A.C. 6A:32-7.5(e)5 shall have access to the general student record, but not to the student health record, except under conditions permitted in N.J.A.C. 6A:16-1.5.~~
6. ~~In order to fulfill its legal responsibility as a Board, the Board has access through the Superintendent or designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student.~~



© Copyright 2016 • Strauss Esmeij Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 • 8109 • 732-266-1600

POLICY GUIDE

OPERATIONS
8330/page 6 of 11
Student Records

7. ~~Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to those portions of the record to the extent that is necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to those student files which such staff are directed to enter or record information and shall cease when the specific assigned task is completed.~~
8. ~~Accrediting organizations in order to carry out their accrediting functions, the Commissioner of Education and members of the New Jersey Department of Education staff who have assigned responsibility which necessitates the review of such records.~~
9. ~~Officials of other district Boards of Education within the State of New Jersey or other educational agencies or institutions where the student is placed, registered, or seeks to enroll subject to the following conditions:~~
 - a. ~~Original mandated student records school districts have been directed to compile by New Jersey statute, regulation or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult student;~~
 - b. ~~Original permitted student records which the Board has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student except where a formal sending-receiving relationship exists between the school districts;~~
 - c. ~~All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), shall be sent to the Superintendent or designee of the school district to which the student has transferred within ten school days after the transfer has been verified by the requesting school district;~~
 - d. ~~The Superintendent or designee shall request all student records in writing from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;~~



© Copyright 2018 • Stratus Consulting Associates, LLP • 1890 Hinds Road • Suite 1 • Toms River, NJ 08753 • 8199 • 732-256-1600

POLICY GUIDE

OPERATIONS
8330/page 7 of 11
Student Records

- e. ~~The Superintendent or designee of the school district of last attendance shall upon request, provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and~~
- f. ~~Proper identification, such as a certified copy of the student's birth certificate, shall be requested at the time of enrollment in a new school district.~~
- 10. ~~Officials of the United States Department of Education who have assigned responsibilities which necessitate review of such records.~~
- 11. ~~Officers and employees of a State agency who are responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9A:6-8.40. Wherever appropriate, the district shall ask such State agency for its cooperation in sharing the findings of the investigation.~~
- 12. ~~Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student, except that these organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student.~~
- 13. ~~Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5(e), upon the presentation of a court order.~~
- 14. ~~Bona fide researchers who explain in writing, in advance to the Superintendent, the nature of the research project and the relevance of the records sought and who satisfy the Superintendent or designee that the records are to be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Superintendent prior to the release of information to the researcher.~~

Nothing in N.J.A.C. 6A:32-7.1 et seq. or in Policy and Regulation 8330 shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.



© Copyright 2016 • Strauss Esmyr Associates, LLP • 1830 Hinde Road • Suite 1 • Toms River, NJ 08763 • 8100 • 732-255-1500

POLICY GUIDE

OPERATIONS
8330/page 8 of 11
Student Records

In complying with N.J.A.C. 6A:32-7 – Student Records providing access to student records in accordance with N.J.A.C. 6A:32-7.5, individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act (OPRA) and 34 CFR Part 99, the Family Educational Rights and Privacy Act (FERPA).

Conditions for Access to Student Records

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. with access to student records shall have access to the records of a student subject to the following conditions outlined in N.J.A.C. 6A:32-7.6(a):

1. ~~No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.~~
2. ~~Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit their request in writing together with any required authorization to the Superintendent or designee.~~
3. ~~The Superintendent or designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student, or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student's record of the names of persons granted access, the reason access was granted, the time and circumstances of inspection, the records studied, and the purposes for which the data will be used.~~
4. ~~Unless otherwise judicially instructed, the district shall, prior to the disclosure of any student records to organizations, agencies, or persons outside the school district pursuant to a court order, give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested. Such notification shall be provided in writing if practicable. Only those records related to the specific purpose of the court order shall be disclosed.~~



© Copyright 2016 • Straus Esnay Associates, LLP • 1888 Hilde Road • Suite 1 • Toms River, NJ 08763 • 8182 • 732-206-1600

POLICY GUIDE

OPERATIONS
8330/page 9 of 11
Student Records

5. ~~A record may be withheld from a parent of a student under eighteen or from an adult student only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld. When the district has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of his or her request that access to the record has been denied and that the person has the right to appeal this decision to the court issuing the order.~~

Rights of Appeal for Parents and Adult Students

Student records are subject to challenge by parents and adult students on the grounds of inaccuracy, irrelevancy, impermissive disclosure, inclusion of improper information or denial of access to organizations, agencies, and persons in accordance with N.J.A.C. 6A:32-7.7(a).

To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the **parent or adult student shall follow the procedures pursuant to N.J.A.C. 6A:32-7.7(b).** ~~process shall be as follows:~~

1. ~~A parent or adult student shall notify the Superintendent in writing of the specific issues relating to the student's record.~~
2. ~~Within ten days of notification, the Superintendent or designee shall notify the parent or adult student of the school district's decision.~~
3. ~~If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to revise the issues set forth in the appeal.~~
4. ~~If the matter is not satisfactorily resolved, the parent or adult student may appeal this decision either to the Board of Education or the Commissioner of Education within ten days.~~
5. ~~If appeal is made to the Board of Education, a decision shall be rendered within twenty days. The decision of the Board may be appealed to the Commissioner pursuant to N.J.S.A. 18A:16-9 and N.J.A.C. 6A:4, Appeals.~~



© Copyright 2014 • Straus Essay Associates, LLP • 1000 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8780 • 732-250-4500

POLICY GUIDE

OPERATIONS
8330/page 10 of 11
Student Records

6. ~~At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made part of the student's record with copies made available to the parent or adult student.~~

Appeals relating to student records for students with disabilities shall be processed in accordance with the requirements of N.J.A.C. 6A:32-7.7(b) through 6 above.

Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place **in the student record** a statement ~~in the student's record~~ commenting upon the information **in the student's record** or setting forth any reasons for disagreement with the decision **made in the appeal of the agency**. Such statements shall be maintained as part of the student's record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.

Retention and Disposal of Student Records

A student's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district. The school district shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

Student records of currently enrolled students, other than that described in N.J.A.C. 6A:32-7.8(e) 1. below, may be disposed of after the information is no longer necessary to provide educational services to a student **and in accordance with the provisions of N.J.A.C. 6A:32-7.8(b)**. ~~Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.~~



© Copyright 2010 • Strauss Corney Associates, LLP • 1000 Hinds Road • Suite 1 • Totter River, NJ 08753 • 8100 • 732-266-1500

POLICY GUIDE

OPERATIONS
8330/page 11 of 11
Student Records

Upon graduation or permanent departure of a student from the school district, the parent or adult student shall be notified in writing that a copy of the entire student's record will be provided to them upon request. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e) 1—below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. Such disposition shall be **in accordance with the provisions of N.J.A.C. 6A:32-7.8(c)2** ~~accomplished only after written parental or adult student notification and written parental or student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful and prior written authorization has been obtained from the New Jersey Department of State, Records Committee.~~

1. ~~In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, citizenship, address, telephone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.~~

No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

In accordance with N.J.A.C. 6A:32-7.8(e), the New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for 100 years a mandated record of a student's name, date of birth, name of parents, gender, citizenship, ~~address, telephone number,~~ health history and immunization, standardized assessment **results** and test answer sheet ~~(protocol)~~, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

N.J.S.A. 18A:36-19; 18A:36-19.1; 18A:40-4; 18A:40-19

N.J.A.C. 6A:32-7.1; 6A:32-7.2; 6A:32-7.3; 6A:32-7.4; 6A:32-7.5;
6A:32-7.6; 6A:32-7.7; 6A:32-7.8

Adopted:



© Copyright 2016 • Straus Eschway Associates, LLP • 1868 Hinds Road • Suite 1 • Trenton River, NJ 08608-8188 • 732-268-1800

REGULATION GUIDE

OPERATIONS
R 8330/page 1 of 17
Student Records
Dec 16
M

[See POLICY ALERT Nos. 83, 95, 110, 121, 138, 139, 144,
147, 163, 171, 175 and 210]

R 8330 STUDENT RECORDS

A. Definitions (N.J.A.C. 6A:32-2.1)

1. "Access" means the right to view, make notes, and/or reproduce a the student record.
2. "Adult student" means a ~~person student~~ who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.
3. "Mandated student records" means ~~these~~ student records that school districts ~~have been directed to compile pursuant to by State statute, regulation, or authorized administrative directive.~~
4. "Parent" means the natural or adoptive parent, ~~the~~ legal guardian, surrogate ~~appointed according to N.J.A.C. 6A:14-2.2~~ parent, or a person acting in place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student's welfare) ~~in accordance with N.J.A.C. 6A:32-2.1.~~ Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. ~~"Parent" shall also include, for the purposes of N.J.A.C. 6A:32, the adult student.~~ In addition, a foster parent may act as a parent under the provisions of N.J.A.C. 6A:32 if the parent's authority to make educational decisions on the student's behalf has been terminated by a court of appropriate jurisdiction.
5. "Permitted student records" means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected ~~in order to promote the educational welfare of the students.~~



© Copyright 2010 • Stratus Earmay Associates, LLP • 1855 Hards Road • Suite 1 • Toms River, NJ 08753 • 732-255-1500 • 732-255-1500

REGULATION GUIDE

OPERATIONS
R. 8330/page 2 of 17
Student Records

6. "Student record" means information related to an individual student gathered within or outside the school district system and maintained within the school district system regardless of the physical form in which it is maintained. **Essential in this definition is the idea that** Any information that is maintained for the purpose of second-party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid, and not for the use of a second party, is excluded from this definition.
7. ~~"Parent surrogate(s)" means an individual or individuals approved by the Board in accordance with N.J.A.C. 6A:14-2.2 to act on behalf of a student whose parent(s) is not available to assure the student's educational rights.~~
78. "Student information directory" means a publication of the district Board of Education that ~~which~~ includes the following information relating to a student: It shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. The information shall be the student's: name; grade level; date and place of birth; dates of attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information.

B. General Considerations (N.J.A.C. 6A:32-7.1)

1. The Board of Education shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1. et seq.
21. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.



© Copyright 2016 • Stratus Estuary Associates, LLP • 1800 Hinds Road • Suite 1 • Toms River, NJ 08783 • 8100 • 732-205-1500

REGULATION GUIDE

OPERATIONS
R 8330/page 3 of 17
Student Records

32. The school district shall provide annual, written notification to notify parents, and adult students, and emancipated minors annually in writing of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. The school district shall make every effort to notify parents and adult students in their dominant language.
43. A non-adult student may assert rights of access only through his or her parents. However, nothing in N.J.A.C. 6A:32-7 et seq. or in Policy or Regulation 8330 shall be construed to prohibit certified school personnel, from disclosing at in their discretion, from disclosing student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.
54. The parent or adult student, including an emancipated minor, shall have access to their own records and have access to or be specifically informed about only that portion of another student's record that contains information about his or her own child or himself or herself.
65. The Superintendent or designee shall require all permitted student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the material contained therein. The reviewer shall cause data no longer descriptive of the student or educational program to be deleted from the records except that prior notice shall be given for classified students in accordance with N.J.A.C. 6A:14, Special Education. Such information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.
76. No liability shall be attached to any member, officer, or employee of the Board of Education permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq. Department of Education rules.



© Copyright 2016 • Strauss Earmay Associates, LLP • 1886 Hindi Road • Suite 1 • Toms River, NJ 08753 - 8169 • 732-265-1800

REGULATION GUIDE

OPERATIONS
R 8330/page 4 of 17
Student Records

87. When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the school district shall provide interpretation of the student's records in the dominant language of the parents or adult student.
98. Student health records shall be maintained separately from other student records and handled, according to the requirements of N.J.A.C. 6A:32-7.1 *et seq.*, until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

C. School Contact Directory for Official Use (N.J.A.C. 6A:32-7.2)

1. The **Board of Education** district shall compile and maintain, ~~but need not publish,~~ a school contact directory for official use, ~~which that is separate and distinct from the student information directory.~~
 - a. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel ~~who are~~ currently providing services to the student in question.
 - b. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider ~~who is~~ currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all the information about that student that is contained in the school contact directory for official use.
2. ~~To the order for a parent or adult student to~~ exclude any information from the school contact directory for official use, the parent, ~~or~~ adult student, **or emancipated minor** shall notify the Superintendent or designee in writing ~~on a form prescribed by the Commissioner of Education.~~



© Copyright 2016 • Strause Esnay Associates, LLP • 1690 Hinde Road • Suite 1 • Toms River, NJ 08788 • 8490 • 732-265-1600

REGULATION GUIDE

OPERATIONS
R 8330/page 5 of 17
Student Records

- ~~a. The form shall explain the purpose of the school contact directory for official use is to allow judicial, law enforcement, and medical personnel to contact the parent when necessary, and that the school contact directory for official use is only accessible by school, judicial, law enforcement, and medical personnel who are currently providing services to the student in question.~~

D. Mandated and Permitted Student Records (N.J.A.C. 6A:32-7.3)

1. Mandated student records shall include the following:

- a. The student's name, address, telephone number, date of birth, name of parent(s), gender, ~~citizenship~~, standardized assessment results and test answer sheets (protocol), grades, attendance, classes attended, grade level completed, and year completed, and years of attendance;
- b. Record of daily attendance;
- c. Descriptions of student progress according to the system of student evaluation used in the school district;
- d. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees and immunizations;
- e. Records pursuant to rules and regulations regarding the education of students with disabilities; and
- f. All other records required by N.J.A.C. 6A the State Board of Education.

2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board upon adoption of Policy and Regulation 8330. These records may include, but are may not be limited to:



© Copyright 2016 • Strauts Esney Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08733 • 6199 • 732-266-1300

REGULATION GUIDE

OPERATIONS
R 8330/page 6 of 17
Student Records

- a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a student's record when it is reviewed by any other person, including a substitute;
- b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
- c. Educationally relevant information provided by the parent, or adult student, or emancipated minor regarding the student's achievements or school activities;
- d. Any correspondence with the student and/or the student's parents;
- e. Driver education certificate;
- f. Emergency notification form;
- g. New student registration form;
- h. Withdrawal or transfer form;
- i. Change of schedule form;
- j. Records of disciplinary infractions, penalties, and disciplinary hearings;
- k. Records of the student's co-curricular and athletic activities and achievements;
- l. Class rank;
- m. Awards and honors;
- n. Notations of additional records maintained in a separate file;



© Copyright 2018 • Strauss Essay Associates, LLP • 1985 Hinds Road • Suite 1 • Toms River, NJ 08763 • 8109 • 732-255-1500

REGULATION GUIDE

OPERATIONS
R 8330/page 7 of 17
Student Records

- o. The statement from a student's parent, or adult student, or **emancipated minor** regarding a contested portion of the record;
- p. Entries indicating review of the file by an authorized person;
- q. _____;
- r. _____;
- s. _____; and
- t. _____.

E. Maintenance and Security of Student Records (N.J.A.C. 6A:32-7.4)

1. The Superintendent or designee shall be responsible for the security of student records maintained in the school district and **shall devise procedures/regulations for assuring that access to such records is limited to authorized persons.** Policy and Regulation 8330 assures that access to such records is limited to authorized persons.
2. Records for each individual student ~~may~~ **shall** be stored either electronically or in paper format. When student records are stored electronically, proper security and backup procedures **shall be administered** ~~maintained in a central file at the school attended by the student. When records are maintained in different locations, a notation in the central file as to where other such records may be found is required.~~
3. Student health records, ~~whether stored on paper or electronically,~~ shall be maintained and located in a locked cabinet or room in the school building or complex which the student is assigned. ~~Records kept in electronic form shall be both accessible and secure. Student health records shall be maintained separately from other student records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.~~
4. Records shall be accessible during the hours in which the school program is in operation.



© Copyright 2016 • Shouse Essey Associates, LLP • 1650 Hinds Road • Suite 1 • Torrey Hills, NJ 08763 • 6100 • 732-255-1500

REGULATION GUIDE

OPERATIONS
R 8330/page 8 of 17
Student Records

4. ~~Security blocks will be installed for records stored in computerized systems to protect against security violations of the records stored therein. To guard against the loss of student records, the district shall maintain an updated hard copy and backup versions of student records.~~
5. Mandated student records required as part of programs established through State-administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after graduation, termination from the school district, or age ~~twenty-three~~ 23, whichever is longer, and shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.
6. Any district internet website shall not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.

F. Access to Student Records (N.J.A.C. 6A:32-7.5)

1. Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.
24. The school district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to ~~people these persons under the conditions permitted by Federal and State statute and regulations or stated in N.J.A.C. 6A:32-7.5(e) and section G. below.~~
32. The school district [~~will or may~~] may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-52, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State ~~under~~ rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.



REGULATION GUIDE

OPERATIONS
R 8330/page 9 of 17
Student Records

43. Access to and disclosure of a student's health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).
- G. Authorized Organizations, Agencies, and Persons with Access to Student Records (N.J.A.C. 6A:7.5(e))
- Access shall include only the following:
1. A student who has the written permission of a parent and the parent of a student under the age of eighteen whether or not the child resides with the that parent except per N.J.S.A. 9:2-4;
 - a. The place of residence shall not be disclosed; and
 - b. Access shall not be provided if denied by a court.
 2. Students at least sixteen years of age who are terminating their education in the school district because they will graduate secondary school at the end of the term or no longer plan to continue their education;
 3. An The adult student and the student's parent who has the written permission of an adult such student, except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student;
 4. Certified school district personnel who are have assigned educational responsibility for the student shall have access to the general student record; but not to the student health record, except under conditions permitted in N.J.A.C. 6A:16-2.41-5;



© Copyright 2010 • Strause Emay Associates, LLP • 1626 Hinds Road • Suite 1 • Toms River, NJ 08763 • 8199 • 732-255-1600

REGULATION GUIDE

OPERATIONS
R 8330/page 10 of 17
Student Records

5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-4.52.4:
 - a. An approved private school for the disabled;
 - b. A State facility;
 - c. Accredited nonpublic schools in which students with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or
 - d. Clinics and agencies approved by the Department of Education.
6. ~~To fulfill In order to fulfill~~ its legal responsibility as a Board, the Board of Education shall have access through the Superintendent or designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student;
7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to those portions of the record to the extent that is necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to those student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;
8. Accrediting organizations in order to carry out their accrediting functions;
9. The Commissioner of Education and ~~members of the New Jersey Department of Education staff members~~ who are have assigned responsibility that which necessitates the review of such records;



© Copyright 2016 • Straus Esnay Associates, LLP • 1886 Hinda Road • Suite 1 • Toms River, NJ 08753 • 8190 • 732-255-1530

REGULATION GUIDE

OPERATIONS
R 8330/page 11 of 17
Student Records

10. Officials of other district Boards of Education within the State of New Jersey or other educational agencies or institutions where the student is placed, registered, or seeks to enroll subject to the following conditions:
 - a. Original mandated student records ~~that~~ schools districts have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult student;
 - b. Original mandated permitted student records ~~that which~~ the a Board of Education has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the school districts;
 - c. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), shall be sent to the Superintendent or designee of the school district to which the student has transferred within ten school days after the transfer has been verified by the requesting school district;
 - d. The Superintendent or designee shall request ~~all student records~~ in writing all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;
 - e. Upon request, ~~t~~The Superintendent or designee of the school district of last attendance shall ~~upon request~~, provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and
 - f. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child's identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district.
11. Officials of the United States Department of Education who have assigned responsibilities ~~that which~~ necessitate review of such records;



© Copyright 2013 • Stratus Einaray Associates, LLP • 1466 Hinds Road • Suite 1 • Toms River, NJ 08783 • 8199 • 732-255-1500

REGULATION GUIDE

OPERATIONS

R 8330/page 12 of 17

Student Records

12. Officers and employees of a State agency who are responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the **Board of Education** ~~district~~ shall ask the such State agency for its cooperation in sharing the findings of an the investigation;
13. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. § 1232g(b)(1)(L);
- 14.13. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student, ~~except that these.~~ Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;
- 15.14. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5(e), upon the presentation of a court order;
- 16.15. Bona fide researchers who explain ~~in writing, in advance~~ to the Superintendent, the nature of the research project and the relevance of the records sought. ~~Researchers shall also and who~~ satisfy the Superintendent or designee that the records ~~will~~ are to be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Superintendent prior to the release of information to the researcher;
17. Nothing in N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330 shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons; and
18. In complying with N.J.A.C. 6A:32-7.1 et seq., individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-1 et seq. - the Open Public Records Act (OPRA) and 20 U.S.C. § 1232g, 34 CFR Part 99 - the Family Educational Rights and Privacy Act (FERPA).



REGULATION GUIDE

OPERATIONS
R 8330/page 13 of 17
Student Records

H. Conditions for Access to Student Records (N.J.A.C. 6A:32-7.6)

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. as listed below with access to student records shall have access to the records of a student, subject to the following conditions:

1. No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.
2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit to the Superintendent or designee the their request in writing together with any required authorization, to the Superintendent or designee.
3. The Superintendent or designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student, or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student's record of the name(s) of persons granted access, the reason access was granted, the time, and circumstances of inspection, the records studied, and the purposes for which the data will be used.
4. ~~Unless otherwise judicially instructed, the district shall,~~ Prior to the disclosure of any student records to organizations, agencies, or persons outside the school district pursuant to a court order, **the Superintendent or designee shall give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed.** Such notification shall be provided in writing, if practicable. Only those records related to the specific purpose of the court order shall be disclosed.
 - a. Notice to the parent shall not be required when he or she is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. § 1232g(b)(2)(B).



© Copyright 2016 • Stratus Esmey Associates, LLP • 1688 Hinds Road • Suite 1 • Toms River, NJ 08753-8189 • 732-256-1500

REGULATION GUIDE

OPERATIONS
R 8330/page 14 of 17
Student Records

5. A record may be withheld from a parent of a student under ~~eighteen~~ or from an adult student only when the school district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court ~~shall~~ may be withheld. When the district has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of his or her request that access to the record has been denied, and that the person has the right to appeal this decision to the court issuing the order.

I. Rights of Appeal for Parents and Adult Students (N.J.A.C. 6A:32-7.7)

1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissible disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may seek to: expunge inaccurate, irrelevant, or otherwise improper information from the student's record; insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in N.J.A.C. 6A:32-7.7.
2. To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the process shall be as follows:
 - a. A parent or adult student shall notify **in writing** the Superintendent ~~in writing~~ of the specific issues relating to the student's record.
 - b. Within ten school days of notification, the Superintendent or designee shall notify the parent or adult student of the school district's decision.
 - c. If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to **resolve** ~~revise~~ the issues set forth in the appeal.



© Copyright 2018 • Strauss Esnay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08723 • 732-255-1500

REGULATION GUIDE

OPERATIONS
R 8330/page 15 of 17
Student Records

- d. If the matter is not satisfactorily resolved, the parent or adult student ~~has ten school days to may~~ appeal this decision either to the Board of Education or ~~the Commissioner of Education within ten days.~~
 - e. If ~~an~~ appeal is made to the Board of Education, a decision shall be rendered within ~~twenty~~ **20 school** days. The decision of the Board of Education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:43, **Controversies and Disputes Appeals.**
 - f. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the student's record with copies made available to the parent or adult student.
3. Appeals relating to the ~~student~~ records of students with disabilities shall be processed in accordance with the requirements of 1.2. above.
4. Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place **in the student record** a statement ~~in the student's record~~ commenting upon the information in the student's record or setting forth any reasons for disagreement with the decision ~~made in the appeal of the agency.~~
- a. Such statements shall be maintained as part of the student's record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.
- J. Retention and Disposal of Student Records (N.J.A.C. 6A:32-7.8)
- 1. A student's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district.



© Copyright 2018 • Strauss Eamsey Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08763 • 8190 • 732-268-1800

REGULATION GUIDE

OPERATIONS
R 8330/page 16 of 17
Student Records

- a. The school district shall retain the student's health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.
2. Student records of currently enrolled students, other than the records that must be maintained for one hundred years as described in N.J.A.C. 6A:32-7.8(e) and 56, below, may be disposed of after the information is no longer necessary to provide educational services to a student.
 - a. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.
3. Upon graduation or permanent departure of a student from the school district:
 - a. The parent or adult student shall be notified in writing that a copy of the entire student's record will be provided to them upon request.
4. ~~Information in student records, other than that the records that must be maintained for one hundred years as described in N.J.A.C. 6A:32-7.8(e) and 56, below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq.~~
 - ca. Such disposition shall be accomplished only after written parental or adult student notification, and written parental or adult student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful, and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1856 Hinds Road • Suite 1 • Totter River, NJ 08763 • 8100 • 732-268-1600

REGULATION GUIDE

OPERATIONS
R 8330/page 17 of 17
Student Records

45. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.
56. The New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for one hundred years a mandated record of a student's name, date of birth, name of parents, gender, citizenship, address, telephone number, health history and immunization, standardized assessment results and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Issued:



© Copyright 2016 • Giroux Emery Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08783 • 8100 • 732-266-1500

POLICY GUIDE

New
Policy

PROGRAM

2418/page 1 of 3

Section 504 of the Rehabilitation Act of 1973 - Students

Dec 16

M

[See POLICY ALERT No. 210]

2418 SECTION 504 OF THE REHABILITATION ACT OF 1973 - STUDENTS

The Board will comply with Section 504 of the Rehabilitation Act of 1973, the purpose of which is to eliminate discrimination on the basis of disability in any program or activity receiving Federal financial assistance.

Guarantee of Rights

The Board will provide a free appropriate public education to each student with a disability regardless of the nature or severity of the disability.

The Board will make reasonable accommodations to ensure that no student with a disability, solely on the basis of the disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board, including participation in non-academic and extracurricular services and activities.

The administration will undertake to identify and locate all students with disabilities between the ages of three and twenty-two, who are residing within the district, but not receiving a public school education. The administration will take steps to notify such students and their parents of the district's duty to provide accommodations for students with disabilities as well as procedures to determine eligibility for such accommodations.

Educational Setting

The Board will ensure that a student with a disability participates with nondisabled students in activities and services to the maximum extent appropriate to the needs of the student with a disability.

The school administration will place a student with a disability in the regular educational environment within the district unless the district demonstrates that the education of the student with a disability in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily.



© Copyright 2018 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

PROGRAM

2418/page 2 of 3

Section 504 of the Rehabilitation Act of 1973 - Students

Evaluation and Placement

The Board will establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need accommodations, special education, and/or related services because of a disability. Evaluations may include, but are not limited to, a review of work samples, direct observation, interviews, and/or administration of assessment measures.

Enforcement

The Building Principal is designated by the Board as the District 504 Coordinator for matters dealing with Section 504 of the Rehabilitation Act of 1973 and can be contacted at the following address or telephone number:

Office Address:

Telephone:

Procedural Safeguards

The district will establish and implement a system of procedural safeguards with respect to the identification, evaluation, or provision of services under Section 504. This system includes notice, an opportunity for the parent to examine relevant records, an impartial hearing with the opportunity for participation by the parent and representation by counsel, and a review procedure. These procedural safeguards shall be in accordance with N.J.A.C. 6A:14 et seq., Policy 2460, Regulation 2460.8, and/or the grievance procedures outlined in Regulation 2418.

Notice

The Board will notify members of the community that the Board does not discriminate on the basis of a disability in violation of Section 504 of the Rehabilitation Act of 1973. Policy and Regulation 2418 may be reprinted in part or in full and distributed to serve as adequate notice.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

PROGRAM
2418/page 3 of 3

Section 504 of the Rehabilitation Act of 1973 - Students

State or Local Law

The obligation to comply with the Rehabilitation Act of 1973 is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of disability, imposes prohibitions or limits upon the eligibility of a student with a disability to receive services.

29 U.S.C. 794 (Section 504 Rehabilitation Act of 1973)

20 U.S.C. 1401 et seq. (Individuals with Disabilities Education Act)

42 U.S.C. 12101 (Americans with Disabilities Act of 1990, as amended)

Adopted:



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8199 • 732-255-1500

REGULATION GUIDE ^{New Regulation}

PROGRAM
R 2418/page 1 of 15
Section 504 of the Rehabilitation Act of 1973 - Students
Dec 16
M

[See POLICY ALERT No. 210]

R 2418 SECTION 504 OF THE REHABILITATION ACT OF 1973 - STUDENTS

It is the policy of the Board of Education that no qualified student with a disability will, solely on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board. The Board will also comply with the Individuals with Disabilities Education Act through the implementation of Policy 2460 and Regulations 2460 through 2460.16.

A. Definitions

1. "Accommodation" means a change in the educational setting, instructional strategies, materials, and/or supplementary/related aids and services that does not significantly alter the content of the curriculum or level of expectation for a student's performance, but which allows the student to access the regular general education curriculum.
2. "Act" means the Rehabilitation Act of 1973.
3. "Aids and Services" means aids and services designed to meet the individual student's educational needs to the same extent as the needs of students without disabilities are met. 34 CFR §104.33
4. "Board" means the Board of Education of this school district.
5. "Complainant" means a parent of a student with a disability who files a grievance in accordance with the grievance procedure.
6. "Day" means either calendar or working day, as specified in the Act.
7. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:
 - a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Tom's River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 2 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

- b. A record of such an impairment; or
 - c. Being regarded as having such an impairment.
8. "District" means this school district.
9. "District 504 Coordinator" means the district official responsible for the coordination of activities relating to compliance with the Act.
10. "FAPE" means free appropriate public education. FAPE consists of the provision of regular or special education and related aids and services designed to meet the educational needs of a student with a disability to the same extent as the needs of non-disabled students are met.
11. "Grievance" means an unresolved problem concerning the interpretation or application of law and regulations regarding discrimination by reason of a disability by an officer or employee of this district.
12. "Individuals with Disabilities in Education Act" (IDEA) identifies eligible children and young adults who have specific types of disabilities and, thus, require special education and related services. If they qualify, students receiving services through IDEA may also be eligible for services under Section 504 and ADA.
13. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also include physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system.
28 CFR §35.108; 28 CFR §36.105



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 3 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

14. "Mitigating measures" means steps taken to eliminate or reduce the symptoms or impact of an impairment. "Mitigating measures" include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102
 - a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.
15. "Physical or mental impairment" means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4
 - a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; intellectual disability; emotional illness; dyslexia and other specific learning disabilities; Attention Deficit Hyperactivity Disorder (ADHD); Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic); tuberculosis; drug addiction; and alcoholism.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 • 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 4 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

- b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.
 - c. An impairment that is episodic or in remission may be considered a "disability" if it would substantially limit a major life activity when active.
 - d. Not all impairments are disabilities.
16. "Qualified student with a disability" means a student with a disability at the preschool, elementary, or secondary level, who is: (1) of an age at which students without disabilities are provided educational services; (2) of an age at which it is mandatory under State law to provide educational services to students with disabilities; or (3) a student to whom a State is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).
17. "Record of such an impairment" means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.
18. "Regarded as having an impairment" means the individual establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.
- a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment.
42 U.S.C. 126 §12102(3)(B)



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1600

REGULATION GUIDE

PROGRAM

R 2418/page 5 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

- b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of "disability" solely under the "regarded as" prong.
- 19. "Section 504" means Section 504 of the Act.
- 20. "Student" means an individual enrolled in any formal educational program provided by the school district.
- 21. "Substantially limits" means the extent to which the impairment limits a student's ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102 (4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits a student in a major life activity include:
 - a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.
 - b. That it does not demand extensive analysis.
 - c. That it substantially limits one major life activity, but not necessarily other major life activities.
 - d. That it may be episodic or in remission, as long as the disability would substantially limit a major life activity when active.
 - e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.
 - f. That it requires an individualized assessment which does not create an "inappropriately high level of limitation" and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).



© Copyright 2016 • Strauss Esmay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 6 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

- g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate - evidence that can be considered may include statements or affidavits of affected individuals and school records).
- h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.
- i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: "actual disability" or "record of".

B. District 504 Coordinator - 34 C.F.R. §104.7(a)

- 1. The District 504 Coordinator will be responsible for the initial evaluation of all allegations, reasonable accommodations (if required), and re-evaluations.
- 2. The District 504 Coordinator will comply with the mediation and due process requirements pursuant to N.J.A.C. 6A:14-2.6 and 6A:14-2.7 where applicable in cases arising from Section 504.

C. Educational Program

- 1. General:
 - a. The Board will not, on the basis of a disability, exclude a student with a disability from a program or activity and will take into account the needs of such student in determining the aid, benefits, or services to be provided under a program or activity.



© Copyright 2018 • Strauss Esmay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-265-1500

REGULATION GUIDE

PROGRAM

R 2418/page 7 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

- b. Identification for special education services under IDEA and accommodations under Section 504 are not mutually exclusive.
- c. Students not otherwise eligible for special education programs and/or related services pursuant to N.J.A.C. 6A:14-1 et seq. may be referred to the District 504 Coordinator by the parent or staff member.
- d. The Board will provide reasonable accommodation(s) to students with disabilities notwithstanding any program and/or related services required pursuant to N.J.A.C. 6A:14-1 et seq.

D. Free Appropriate Public Education (FAPE) - 34 CFR §104.33

- 1. FAPE must be provided without cost to the student's parent, except for those fees imposed on a parent of a non-disabled student.
- 2. The district may place a student with a disability in or refer such student to a program other than one it operates as its means of carrying out the provisions of this Regulation.
 - a. The district will continue to maintain responsibility for ensuring the requirements of the Act are met in respect to any student with a disability so placed or referred.
 - b. The district will ensure adequate transportation to and from the program, provided at no greater cost than would be incurred by the parent if the student were placed in a program operated by the district.
 - (1) The administration will consider the proximity of any alternative setting to the student's home.
 - (2) If a public or private residential placement is necessary to provide FAPE to a student with a disability, the placement, including non-medical care, room, and board, shall be provided at no cost to his/her parent.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 8 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

E. Evaluation and Placement - 34 CFR §104.35

1. The Board will establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need special education and/or related services on the basis of disability.
 - a. Section 504 evaluations may encompass record and work sample review; direct observation in the natural setting; interviews with the student, parent, and school personnel; and/or administration of assessment measures. They do not include independent evaluations.
 - b. It may be determined that additional data is required, including the administration of formal standardized instruments and data on conditions in remission or episodic in nature. Tests and other evaluation materials must meet the following criteria:
 - (1) Validated for the specific purpose for which they are used and administered by trained personnel;
 - (2) Tailored to assess specific areas of educational need and not merely those designed to provide a single intelligence quotient; and
 - (3) Accurately reflect aptitude or achievement or whatever else the tests purport to measure, rather than the student's impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular factors).
2. In interpreting evaluation data and in making placement decisions, the district will:
 - a. Draw information from a variety of sources, including, but not limited to: aptitude and achievement tests, medical evaluations, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-266-1500

REGULATION GUIDE

PROGRAM

R 2418/page 9 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

- b. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
 - c. Ensure that placement decisions are made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and placement options; and
 - d. Ensure that placement decisions are made in conformity with this Regulation and 34 CFR §104.34.
3. The District 504 Coordinator will establish timelines for re-evaluations of students receiving reasonable accommodation(s). A parent may request a re-evaluation at any time upon written request to the District 504 Coordinator.
 4. Copies of requests for evaluation and related documents will be maintained in a designated Section 504 file folder placed in the student's cumulative record.

F. Section 504 and Special Education

1. A student who qualifies for Section 504 services may not qualify for special education under IDEA; likewise, a student who qualifies under IDEA may not qualify under Section 504.
2. A referral for a Section 504 evaluation may be made concurrently with a pending special education evaluation. In such instances, the Section 504 evaluation should be conducted during the same timeline utilized for the special education assessment. Generally, the Section 504 evaluation should be conducted in less than sixty days.
3. If a student is found eligible under Section 504 prior to the special education team's findings, a Section 504 Accommodation Plan will be developed pending the special education team's findings. If the student is then found eligible for special education, an Individualized Education Program (IEP) will be developed and the IEP team can incorporate into the IEP any accommodations/services provided in the Section 504 Accommodation Plan.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1896 Hinds Road • Suite 1 • Toms River, NJ 08763 • 6199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 10 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

4. A separate Section 504 team meeting will be convened when a student is identified as eligible for special education and no longer requires accommodations/services under Section 504.
5. When an IEP team determines a student is not eligible or no longer eligible for special education, there may be circumstances when a Section 504 referral for evaluation may be appropriate and should be considered. The IEP team may document the student is being referred for a Section 504 evaluation, and the eligibility evaluation shall be addressed in a separate Section 504 team meeting.

G. Section 504 Accommodation Plan

1. The District 504 Coordinator will assist in organizing a team of individuals responsible for receiving referral documents; securing evaluation information; and determining eligibility and appropriate accommodations, related aids or services for eligible students with disabilities. The team must be comprised of people who:
 - a. Are knowledgeable about the student;
 - b. Understand the meaning of evaluation data; and
 - c. Are familiar with placement options.
2. The District 504 Coordinator, based on the evaluation of the student eligible for services under Section 504, will prepare a Section 504 Accommodation Plan which may include as relates to the student:
 - a. Name;
 - b. Date of birth;
 - c. Current educational placement;
 - d. Name of the District 504 Coordinator preparing the Section 504 Accommodation Plan;
 - e. Disabling condition:



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 11 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

- (1) Major life activity impaired;
 - (2) Educational impact; and
 - (3) Impact on related educational progress.
 - f. Accommodation (as appropriate):
 - (1) Physical and learning environment;
 - (2) Instructional;
 - (3) Behavioral;
 - (4) Evaluation;
 - (5) Medical; and/or
 - (6) Transportation.
 - g. Other:
 - (1) List of individuals participating in the development of the plan, along with their titles and the date(s) of their participation.
 - (2) Certification by the student's parent that he or she has participated in the development of the plan and provided consent to its implementation.
 - (3) A waiver of the fifteen days' notice prior to the implementation of the plan by the parent if the plan is to be implemented sooner than the fifteen days.
3. A Section 504 Accommodation Plan should not:
- a. Modify the curriculum;
 - b. Exempt a student from a course or subject required for graduation;



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 12 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

- c. Alter the level of expectation for a student's performance;
 - d. Provide an extended time accommodation only for standardized testing when it is not required as part of the regular program of evaluation;
 - e. Include any testing accommodations unless authorized by the testing agency; and
 - f. Assign responsibility for implementing Section 504 accommodations to another student.
- 4. A Section 504 Accommodation Plan should:
 - a. Directly relate to a student's identified needs;
 - b. Be specific, measurable, and tailored to meet students' identified needs to allow for consistent implementation;
 - c. Be written to incorporate specific symptoms, behavior, or triggers that elicit implementation of the accommodation or service if required only occasionally; and
 - d. Clearly state how much extended time is required based upon a student's identified needs, if the Section 504 team determines such an accommodation is appropriate.
- 5. Students needing medication:
 - a. Not all students needing medication administered by school staff will require a Section 504 Accommodation Plan. It is not necessary to qualify a student as having a disability that substantially limits a major life activity under Section 504 in order to provide a service that schools perform for all general education students.
 - b. A Section 504 referral with the potential for a subsequent Section 504 Accommodation Plan is appropriate when a student is found to have a disability that substantially limits a major life activity and needs medication administered on a systematic basis to receive equal access to the educational program.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 13 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

H. Nonacademic/Extracurricular Services - 34 CFR §104.37

1. Nonacademic and Extracurricular Services may include counseling, physical recreational athletics, transportation, health services, recreational activities, special interest groups or school clubs, and/or referrals to agencies which provide assistance to students with disabilities and student employment.
2. The Board and administration will ensure that students with disabilities are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.
3. The Board will provide to students with disabilities equal opportunity as afforded nondisabled students for participation in physical education courses, athletics, and similar programs and activities.
 - a. The district may offer students with disabilities physical education and athletic activities that are separate or different from those offered to nondisabled students only if the separation or differentiation is consistent with the requirements of 34 CFR §104.34 and only if no student with a disability is denied the opportunity to compete or to participate.

I. Grievance Procedure - 34 CFR §104.7(b)

1. This grievance procedure shall apply to a student with a disability alleging discrimination under the provisions of Section 504 of the Rehabilitation Act of 1973.
2. The parent who believes his or her child has a valid basis for a grievance under Section 504 shall file an informal complaint in writing with the District 504 Coordinator stating the specific facts of the grievance and the alleged discriminatory act.



© Copyright 2016 • Strauss Esmy Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 14 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

3. The District 504 Coordinator will make reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff including, but not limited to: the Principal, Child Study Team staff, and/or classroom teacher(s).
4. The District 504 Coordinator will investigate and document the complaint including dates of meetings, dispositions, and date(s) of dispositions. The District 504 Coordinator will provide a written decision to the complainant within seven working days of the written complaint.
5. If the complainant is not satisfied with the District 504 Coordinator's written decision, the complainant may appeal the decision in writing, setting out the circumstances that give rise to the alleged grievance. This written appeal must be filed with the District 504 Coordinator within three working days of the complainant's receipt of the written decision. The written appeal must state the basis for the appeal and the remedy sought by the complainant.
6. The District 504 Coordinator will appoint a qualified hearing officer within seven working days of the receipt of the written appeal. The hearing officer will conduct a hearing within seven working days of receipt of the written appeal. The hearing officer will give the parent a full and fair opportunity to present evidence relevant to the issues raised under the initial grievance. The parent may, at his or her own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present a written decision to the District 504 Coordinator and aggrieved individual within seven working days of the hearing.
7. The complainant may file a written appeal to the Board if not satisfied with the hearing officer's decision provided the written appeal is submitted to the Superintendent within three working days of the complainant's receipt of the hearing officer's written decision. The Board may, but is not required to, conduct a Board hearing on the appeal.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

REGULATION GUIDE

PROGRAM

R 2418/page 15 of 15

Section 504 of the Rehabilitation Act of 1973 - Students

8. The complainant may request mediation and due process in accordance with N.J.A.C. 6A:14-2.6 and 2.7 if unsatisfied with the written decision of the Board. If specifically requested by the parent, the aforementioned N.J.A.C. 6A:14-2.6 and 2.7 grievance procedures must be followed.

Adopted:



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8189 • 732-255-1500

POLICY GUIDE ^{New policy}

PROGRAM

2415.30/page 1 of 5

Title I – Educational Stability for Children in Foster Care

Dec 16

M

[See POLICY ALERT No. 210]

2415.30 TITLE I – EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

The Federal Every Student Succeeds Act (ESSA), which reauthorized the Elementary and Secondary Education Act (ESEA), initiated protections for children in foster care that further enhanced the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act). These provisions require school districts to work with child welfare agencies to ensure the educational stability of children in foster care. New Jersey statutes support and implement Federal legislation and require New Jersey's child welfare agencies and school districts to collaborate and to keep children placed in foster care in the same school when their living placements change if remaining in that school is in the child's best interest. The educational stability of children in foster care is the joint responsibility of both the educational and child welfare systems.

The Director of Special Services shall be designated as the Board of Education's point of contact person for all matters related to the educational stability for children in foster care. The point of contact person for the school district shall not be the same person designated as the school district liaison for the education of homeless children.

For the purpose of this Policy, "child welfare agency" shall be the New Jersey Department of Children and Families.

For the purpose of this Policy, "foster care" means twenty-four hour substitute care for children placed away from their parents and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

For the purpose of this Policy, "school of origin" is the school district in which the child is enrolled at the time of placement in foster care or the school district of residence as per N.J.S.A. 30:4C-26 and N.J.S.A. 18A:7B-12.

A child in foster care shall remain in his/her school of origin if it is determined to be in the best interest of the child for the duration of time in foster care.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

PROGRAM

2415.30/page 2 of 5

Title I – Educational Stability for Children in Foster Care

If a student attending the school district in accordance with the provisions of N.J.S.A. 18A:38-1 et seq. is placed in foster care, the school district contact person will collaborate with child welfare agencies to determine whether it is in the child's best interest to remain in the school district taking into consideration all factors relating to the child's best interest. These factors shall include the appropriateness of the current educational setting and proximity of placement (ESEA Section 1111(g)(1)(E)(i)). These factors may include, but are not limited to:

1. Preferences of the child;
2. Preferences of the child's parent(s) or educational decision maker(s);
3. The child's attachment to the school, including meaningful relationships with staff and peers;
4. The proximity of the resource family home to the child's present school;
5. The age and grade level of the child as it relates to the other best-interest factors;
6. The needs of the child, including social adjustment and well-being;
7. The child's performance, continuity of education, and engagement in the school the child presently attends;
8. The child's special education programming if the child is classified;
9. The point of time in the school year;
10. The child's permanency goal and likelihood of reunification;
11. The anticipated duration of the placement;
12. Placement of the child's sibling(s);



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

PROGRAM
2415.30/page 3 of 5

Title I – Educational Stability for Children in Foster Care

13. Influence of the school climate on the child, including safety;
14. The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
15. History of school transfers and how they have impacted the child;
16. How the length of the commute would impact the child, based on the child's developmental stage;
17. Whether the child is a student with a disability under the Individuals with Disabilities Act (IDEA) who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
18. Whether the child is an English language learner (ELL) and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act of 1974 (EEOA).

The school district's point of contact person will discuss these factors and will make every effort to gather meaningful input and participation from the relevant parties, including appropriate school personnel, in the best-interest determination.

Eligible students with disabilities retain their right to receive a free appropriate public education in the least restrictive environment. When making a best-interest determination regarding the educational placement of a student with a disability under IDEA and Section 504, the Board must ensure that all required special education and related services are provided in the least restrictive placement where the child's unique needs, as described in the student's Individualized Education Program (IEP) or Section 504 Plan, can be met. The school district will identify and assess all potential ELL students and provide all ELL students, including ELL students in foster care, with a language assistance program that is educationally sound and proven successful. When a best-interest determination is made for an ELL student in foster care, the Board of Education will comply with its obligations under Title VI and the EEOA.



© Copyright 2016 • Strauss Esnay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

PROGRAM

2415.30/page 4 of 5

Title I – Educational Stability for Children in Foster Care

To the extent feasible, a child shall remain in his/her school of origin until a final best-interest determination is made. The child welfare agency will notify the school district of origin of the child's school placement after collaboration with the Board of Education's point of contact person and after the child's best-interest determination has been made. If a change of school is recommended by the child welfare agency, the new school shall immediately contact the school of origin to obtain relevant academic and other records of the foster care child. The financial responsibility for the payment of tuition for a foster care child placed outside the school district of origin and attending school outside the school district of origin shall be determined by the Commissioner of Education in accordance with N.J.S.A. 18A:7B-12 – Determination of District of Residence.

A foster care child who has been placed in this district and exits foster care during the school year [☒ will ☐ will not] be permitted to continue in this school district for the remainder of the school year.

In the event there is a disagreement regarding school placement for a child in foster care, the school district will comply with the legal requirements for resolving the dispute. A parent can appeal a best-interest determination whenever the child changes schools.

Children placed in foster care outside the school district of origin, attending a school in that district, will be provided transportation to and from school in accordance with N.J.A.C. 6A:27-6.1 et seq. and the Transportation Policy of that district. The district of origin is financially responsible for transportation costs to and from school.

Children placed in foster care outside the school district of origin, but remaining in a school within the school district of origin, shall receive transportation to and from school on a "cost-efficient" manner and in accordance with Section 475(4)(A) of the Social Security Act for the duration of the time the child is in foster care. The district of origin is financially responsible for transportation costs to and from school.

The cost of transportation shall not be considered when determining the best interest of the child.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8198 • 732-255-1500

POLICY GUIDE

PROGRAM

2415.30/page 5 of 5

Title I – Educational Stability for Children in Foster Care

Section 475(4)(A) of the Social Security Act provides guidance on “cost-effective” transportation as it relates to the cost of reasonable travel for foster care children placed outside the school district of origin to their school of origin indicating: the child may be dropped off at a bus stop just within the school district of origin to be transported to a school in the district of origin; the school district may offer a public transportation option; the foster care parents or other families may be willing to drive the child to school in the school district of origin; the school district may utilize pre-existing bus routes or stops close to the out-of-district foster care placement that cross school district boundaries; or the foster care child may be eligible for transportation under other Federal or State requirements.

In the event there is a disagreement regarding transportation for a child in foster care, the school district will comply with the New Jersey Department of Education requirements for resolving the dispute. The Board of Education shall provide or arrange for adequate and appropriate transportation for foster care children while any disputes are being resolved.

In all cases regarding student data and records, the Board of Education will comply with all statutory requirements to protect student privacy, including Family Education Rights and Privacy Act (FERPA), and all other privacy requirements under Federal laws, State statutes, and administrative codes.

N.J.S.A. 18A:7B-12

N.J.S.A. 30:4C-26

New Jersey Department of Education Memorandum dated October 4, 2016 –
Ensuring Educational Stability for Children in Foster Care

United States Departments of Education and Health and Human Services – Non-Regulatory Guidance - Ensuring Educational Stability for Children in Foster Care -- June 23, 2016

Adopted:



© Copyright 2016 • Strauss Esmay Associates, LLP • 1888 Hinds Road • Suite 1 • Toms River, NJ 08763 - 8199 • 732-255-1500

POLICY GUIDE

STUDENTS
5330.04/page 1 of 3
Administering an Opioid Antidote
Dec 16

[See **POLICY ALERT No. 210**]

5330.04 ADMINISTERING AN OPIOID ANTIDOTE

New Jersey's "Overdose Prevention Act" encourages the wider prescription and distribution of an opioid antidote to prevent opioid overdose. The New Jersey Department of Education informed school districts they may develop and adopt policies and procedures to maintain and administer an opioid antidote to any student, school personnel, or other person believed to be experiencing an opioid overdose during school hours or during on-site school-sponsored activities to block the opioid's life-threatening effects.

In accordance with N.J.S.A. 24:6J-4.a.(1)(e), the school district's physician, as a health care practitioner as defined in N.J.S.A. 24:6J-3, may prescribe or dispense an opioid antidote directly or through a standing order to the school district for a school district certified school nurse to administer to overdose victims, provided the school physician deems a school district certified school nurse is capable of administering the opioid antidote to an overdose victim in an emergency. The physician's standing order must specify a school district certified school nurse is authorized to administer the opioid antidote to overdose victims. In accordance with N.J.S.A. 24:6J-5.a.(1), the school physician issuing the standing order shall ensure that overdose prevention information is provided to the school district and the certified school nurse(s) authorized to administer an opioid antidote. The overdose prevention information shall include, but not be limited to: information on opioid overdose prevention and recognition; instructions on how to perform rescue breathing and resuscitation; information on opioid antidote dosage and instructions on opioid antidote administration; information describing the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and instructions for appropriate care of an overdose victim after administration of the opioid antidote.

Upon receiving a report of a possible opioid overdose during school hours or during an on-site school-sponsored activity, the Principal, Principal's designee, or supervising staff member will immediately call 911. The school nurse, during school hours and if available at an on-site school-sponsored activity, will also be immediately called. In accordance with the provisions of N.J.S.A. 24:6J-4.d.(1), the school nurse who has received overdose prevention information pursuant to N.J.S.A. 24:6J-5.a.(1) and has been deemed capable of administering the opioid antidote by the school physician may administer the opioid antidote to a student, school personnel, or other person in an emergency if the school nurse believes, in good faith, that the person is experiencing an opioid overdose.



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

STUDENTS

5330.04/page 2 of 3

Administering an Opioid Antidote

The school nurse and/or other school staff members shall keep the student, school personnel, or other person comfortable until emergency medical responders arrive on the scene. Any student who receives an opioid antidote by the school nurse or by an emergency medical responder shall be transported to the nearest hospital with a school staff member designated by the Principal, Principal's designee, or supervising staff member of the on-site school-sponsored activity.

The Principal, Principal's designee, or supervising staff member will notify the parent of any student or a family member or other contact person for a school staff member who may be experiencing a possible opioid overdose as soon as practicable. The Principal, Principal's designee, or supervising staff member of the on-site school-sponsored activity shall notify the Superintendent of Schools whenever an opioid antidote is administered by a school nurse or an emergency medical responder.

The school nurse shall be responsible to store the opioid antidote that has been prescribed by the school physician in a safe and secure location; document the administration of an opioid antidote on a student's health record; monitor the on-site inventory and replacement of the opioid antidote supply; and plan for the disposal of administered opioid antidote and expired opioid antidote applicator.

Any student or school staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of applicable statutes and administrative codes and Board policies and regulations regarding substance use.

In accordance with the provisions of N.J.S.A. 24:6J-4.d.(2), the school district and the school nurse shall not, as a result of any acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote in accordance with the provisions of N.J.S.A. 24:6J-1 et seq.

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



© Copyright 2016 • Strauss Esrnay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

POLICY GUIDE

STUDENTS

5330.04/page 3 of 3

Administering an Opioid Antidote

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

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

May 24, 2016 New Jersey Department of Education Memorandum - Information for Schools Regarding Opioid Overdose Prevention

Adopted:



© Copyright 2016 • Strauss Esmay Associates, LLP • 1886 Hinds Road • Suite 1 • Toms River, NJ 08753 - 8199 • 732-255-1500

Manasquan Public Schools

2017-2018

School Calendar

APPROVED:

/_/ SCHOOLS CLOSED

() SCHOOLS REOPEN

[] HIGH SCHOOL EXAM DAY

SEPTEMBER 2017

S	M	T	W	T	F	S
					/1	2
3	4/	/5/	(6)	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

OCTOBER 2017

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	/9/	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

NOVEMBER 2017

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	/9	10/
11	12	13	14	15	16	17
18	19	20	21	22	/23	24/
25	26	27	28	29	30	

DECEMBER 2017

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
/23	24	25	26	27	28	29
30	31					

JANUARY 2018

S	M	T	W	T	F	S
	1/	(2)	3	4	5	6
7	8	9	10	11	12	13
14	/15/	16	17	[18]	[19]	20
21	/22/	23	24	25	26	27
28	29	30	31			

Pupil Days**September**

(18)

1-4 Labor Day Weekend - Schools Closed

5 Faculty Meeting/Staff In-Service

6 Schools Open - Early Dismissal/Staff In-Service

October

(21)

9 Columbus Day - Faculty Only/ Staff In-Service

November

(18)

9-10 Teacher's Convention-Schools Closed

22 Early Dismissal Thanksgiving Recess

23 Thanksgiving Day

24 Thanksgiving Recess

December

(16)

5 Early Dismissal/Staff In-Service

22 Holiday Recess begins at 12:30p.m.

January

(20)

1 Holiday Recess

2 Schools Re-open

15 Martin Luther King Day

22 Faculty Only - District In- Service

February

(15)

12-16 Winter Recess

19 Schools Re-open

March

(21)

1 Early Dismissal/Staff In-Service

30 Spring Recess

April

(16)

2-6 Spring Recess

9 Schools Re-open

25 Early Dismissal/Staff In-Service

May

25-28 Memorial Day Weekend

(21)

June

20 Students' Last Day

21 Teachers' Last Day

(14)

Total Pupil Days: 180

Total Teacher Days: 184

THIS SCHEDULE IS SUBJECT TO EMERGENCY CHANGES & OTHER ADJUSTMENTS AS APPROVED BY THE BOARD AND/OR SUPERINTENDENT. JANUARY 15 WILL BE USED AS A MAKE UP DAY IF SNOW DAYS OCCUR BEFORE THAT DAY. MAY 25 WILL BE USED AS A MAKE UP DAY IF NECESSARY. ANY ADDITIONAL DAYS WILL BE MADE UP AT THE END OF THE SCHOOL YEAR. NO PLANS SHOULD BE MADE THAT CANNOT BE ADJUSTED.

FEBRUARY 2018

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	/12	13	14	15	16/	17
18	(19)	20	21	22	23	24
25	26	27	28			

MARCH 2018

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

APRIL 2018

S	M	T	W	T	F	S
1	2	3	4	5	6/	7
8	(9)	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY 2018

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	/25
26	27	28/	29	30	31	

JUNE 2018

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	[15]	16
17	[18]	[19]	[20]	21	22	23
24	25	26	27	28	29	30

MANASQUAN PUBLIC SCHOOLS

TITLE: Public Safety Academy Coordinator

QUALIFICATIONS: Teaching Certificate or Law Enforcement Certificate or Criminal Justice Certificate or Homeland Security and Emergency Management Certificate or Emergency Medical Technician (EMT) or Juris Doctorate or Certified Police Academy Instructor or experience in educating, instructing, guiding and motivating young people or the ability to demonstrate a practical application and an understanding of public safety/law enforcement.

REPORTS TO: High School Principal

PRIMARY FUNCTION: Coordinate the Public Safety Academy

JOB GOAL: Administer the Public Safety Academy Program

PERFORMANCE RESPONSIBILITIES:

1. Coordinate fundraising activities with Advisory Board Members.
2. Manage budget in collaboration with the Manasquan High School Principal.
3. Develop agendas and assist in planning advisory board meetings.
4. Recruit new advisory board members when needed.
5. Recruit new students for the Academy.
6. Coordinate registration and tuition payments for dual credit enrollment.
7. Coordinate shadowing opportunities and guest speakers.
8. Acquire summer internships for students.
9. Oversee Public Safety Academy scholarship efforts with Advisory Board Scholarship Committee.
10. Promote Public Safety Academy in the community through public relations.
11. Any other Public Safety Academy business as needed or assigned by High School Principal.
12. Coordinate an annual academy graduation program.

TERMS OF EMPLOYMENT: Ten (10) month year

EVALUATION: According to state statute and rule and board policy.

APPROVED BY: Manasquan Board of Education **Date:** January 31, 2017

MANASQUAN PUBLIC SCHOOLS

TITLE: Academy of Health Careers Coordinator

QUALIFICATIONS: Teaching Certificate or Registered Nurse or Licensed Practical Nurse or Emergency Medical Technician (EMT) or experience in educating, instructing, guiding and motivating young people or the ability to demonstrate a practical application or the ability to demonstrate a practical application and an understanding of health careers.

REPORTS TO: High School Principal

PRIMARY FUNCTION: Coordinate the Academy of Health Careers

JOB GOAL: Administer the Academy of Health Careers Program

PERFORMANCE RESPONSIBILITIES:

1. Coordinate fundraising activities with Advisory Board Members.
2. Manage budget in collaboration with the Manasquan High School Principal.
3. Develop agendas and assist in planning advisory board meetings.
4. Recruit new advisory board members when needed.
5. Recruit new students for the Academy.
6. Coordinate registration and tuition payments for dual credit enrollment.
7. Coordinate shadowing opportunities and guest speakers.
8. Acquire summer internships for students.
9. Oversee Academy of Health Careers scholarship efforts with Advisory Board Scholarship Committee.
10. Promote Academy of Health Careers in the community through public relations.
11. Any other Academy of Health Careers business as needed or assigned by High School Principal.
12. Coordinate an annual academy graduation program.

TERMS OF EMPLOYMENT: Ten (10) month year

EVALUATION: According to state statute and rule and board policy.

APPROVED BY: Manasquan Board of Education

Date: August 28, 2007

Revised: January 31, 2017

MANASQUAN PUBLIC SCHOOLS

TITLE: Engineering Academy Coordinator

QUALIFICATIONS: Teaching Certificate or Mechanical Engineering Certificate or Civil Engineering Certificate or Strategic Technology Management Certificate or Architect or Electrical Engineer or experience in educating, instructing, guiding and motivating young people or the ability to demonstrate a practical application and an understanding of public safety/law enforcement.

REPORTS TO: High School Principal

PRIMARY FUNCTION: Coordinate the Engineering Academy

JOB GOAL: Administer the Engineering Academy Program

PERFORMANCE RESPONSIBILITIES:

1. Coordinate fundraising activities with Advisory Board Members.
2. Manage budget in collaboration with the Manasquan High School Principal.
3. Develop agendas and assist in planning advisory board meetings.
4. Recruit new advisory board members when needed.
5. Recruit new students for the Academy.
6. Coordinate registration and tuition payments for dual credit enrollment.
7. Coordinate shadowing opportunities and guest speakers.
8. Acquire summer internships for students.
9. Oversee Engineering Academy scholarship efforts with Advisory Board Scholarship Committee.
10. Promote Engineering Academy in the community through public relations.
11. Any other Engineering Academy business as needed or assigned by High School Principal.
12. Coordinate an annual academy graduation program.

TERMS OF EMPLOYMENT: Ten (10) month year

EVALUATION: According to state statute and rule and board policy.

APPROVED BY: Manasquan Board of Education Date: January 31, 2017

MANASQUAN PUBLIC SCHOOLS

TITLE: Academy of Finance Coordinator

QUALIFICATIONS: Teaching Certificate or Certified Public Accountant or Certified Financial Planner or Certificate of Quantitative Finance or Certificate of Financial Management or experience in educating, instructing, guiding and motivating young people or ability to demonstrate a practical application and an understanding of finance.

REPORTS TO: High School Principal

PRIMARY FUNCTION: Coordinate the Academy of Finance

JOB GOAL: Administer the Academy of Finance Program in Collaboration with the Academy of Finance Advisory Board

PERFORMANCE RESPONSIBILITIES:

1. Coordinate fundraising activities with Advisory Board Members.
2. Manage budget in collaboration with the Manasquan High School Principal.
3. Develop agendas and assist in planning advisory board meetings.
4. Recruit new advisory board members when needed.
5. Recruit new students for the Academy.
6. Coordinate registration and tuition payments for dual credit enrollment.
7. Coordinate shadowing opportunities and guest speakers.
8. Acquire summer internships for students.
9. Oversee Academy of Finance scholarship efforts with Advisory Board Scholarship Committee.
10. Promote Academy of Finance in the community through public relations.
11. Any other Academy of Finance business as needed or assigned by High School Principal.
12. Coordinate an annual academy gradation program.

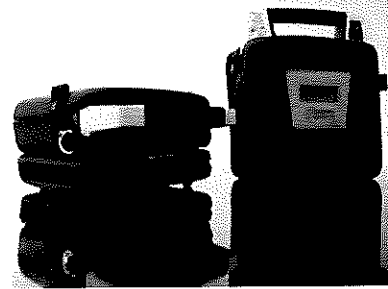
TERMS OF EMPLOYMENT: Ten (10) month year

EVALUATION: According to state statute and rule and board policy.

APPROVED BY: Manasquan Board of Education

Date: August 28, 2007

Revised: January 31, 2017



Cardiac Emergency Action Plan

For

Manasquan School District

169 Broad Street

Manasquan, NJ 08087

School Year 2016-2017

TABLE OF CONTENTS

1. Introduction
 - a. Janet's Law and Purpose of Plan
2. Emergency Cardiovascular Care (ECC)
 - a. Chain of Survival: Four Links
 - i. Recognition and Activation of Emergency Response System (911)
 - ii. Early CPR
 - iii. Rapid Defibrillation (Use Of AED)
 1. AED accessibility
 2. Signage
 - iv. Early Advanced Care
 1. Ensuring arrival of Emergency Medical Services (EMS) to patient
3. Instructions for 911 Emergency Call Procedure
 - i. What information to give 911 operators?
4. CPR Certified Personnel List
 - a. Purpose
 - b. Communication of List
 - c. Location of List
5. School Specific Guide
 - a. School Building Floor Plans with AED locations marked in RED
 - i. Insert Plans here
 - b. Walking AED location guide from School's Main Entrance
 - i. Insert Plans Here
 - c. AED locations and Local Police Department/First Responders
 - i. Insert plans Here
 - d. AED drills
 - i. Purpose
 1. Procedure
 2. Evaluation

APPENDICES

- I. Simplified Adult, Child & Infant CPR Skills
- II. CPR is as easy as C-A-B chart & Chain of Survival
- III. HealthCare Provider (BLS) Checklist
- IV. Pediatric BLS Healthcare Providers
- V. CPR Certified Personnel List Template
- VI. 911-Reporting Procedure Form
- VII. AED drills Checklist
- VIII. AED locations template
- IX. Walking Guide to AED From Main Entrance
- X. Post Event Evaluation Form
- XI. Letter for Local Police Department
- XII. Annual Review/Revision Form

Introduction

Janet's Law

This Cardiac Emergency Action Plan (CEAP) has been established in response to Janet's Law, in memory of Janet Zilinski, an 11-year old who died of sudden cardiac arrest. "Janet's Law" requires public schools to have automated external defibrillators (AED's) for youth athletic/school events and to establish certain plans relating to sudden cardiac events.

Purpose of Plan

One of the first lines of defense for sudden cardiac events is having a comprehensive, detailed plan to ensure the optimal survival rate. This plan provides information to ensure response to an emergency is rapid, appropriate, controlled and precise. All personnel involved within the school system should have access to this plan at all times. It must be available in written and electronic form on the school district's network.

While activation of this CEAP may be rare, it is vital to ensure proper care and response is taken when a Cardiac Emergency occurs. It is important that this document is updated and reviewed on a yearly basis with all personnel (See Appendix XII). This will provide the best possible care for the whole school community during a sudden cardiac emergency.

Emergency Cardiovascular Care (ECC)

It is important to recognize the need to improve school community cardiac emergency plans of ECC to optimize patient survival. According to the American Heart Association (2000), a systematic, organized, coordinated effort in a community remains the strongest recommendation we can make to save more people from out-of-hospital cardiac arrest.

Chain of Survival: Five Links

The term Chain of Survival provides a useful metaphor for the elements of the ECC systems concept according to the AHA. The five links in the Chain of Survival are:

- Immediate recognition of cardiac arrest and activation of the emergency response system
 - Early identification of the patient's collapse by someone who activates the system, both internal team and external response (911).
 - Ensure scene safety and call over school's public address system that a cardiac emergency is in effect and give exact location.
 - Ensure the evacuation of the students/bystanders, if any are present, to another classroom/location to ensure proper accessibility of first responders to the scene.
 - Rapid notification of EMS response team (See #3- Instructions for 911 Emergency Communication)
 - Rapid arrival of EMS responders at the scene will be the responsibility of the staff member/personnel assigned to the Main Entrance of the school building.
 - The staff member/personnel must know the layout of the building to ensure arrival of the EMS in a timely manner to the scene.
- Early cardiopulmonary resuscitation (CPR) with an emphasis on chest compressions
 - CPR is most effective when started immediately after the victim's collapse.
 - Minimizing Interruptions during compressions is optimal for survival
 - See Appendix I (Simplified Adult CPR Skills Checklist)
 - See Appendix II (CPR is as easy as C-A-B chart)
 - See Appendix III (HealthCare Provider (BLS) Checklist)
 - CPR/AED Certified Personnel List (See Table of Contents 4)
- Rapid defibrillation (Use of AED)
 - AEDs are computerized, low-maintenance, easy to use medical devices that analyze the victim's rhythm to determine whether a shockable rhythm is present.
 - AEDs should be in an unlocked location with appropriate signage which is accessible during the school day and any other time in which a school-sponsored athletic event or team practice, in which pupils of the district

are participating, and is within **reasonable proximity** of the school athletic field, gymnasium or event.

- Early defibrillation is the key in the Chain of Survival.
- Principal or Designee should assume command and ensure CPR/AED certified personnel are responding with the AED and medical go bag
- See Table of Contents 5 (School Specific Guide)
- See Appendix I (Simplified Adult CPR Skills Checklist)
- See Appendix III (HealthCare Provider (BLS) Checklist)
- Knowledge of coworkers CPR/AED certification in nearby classrooms/offices (See Appendix V)
- See Appendix VIII (AED locations template)
- See Appendix IX (Walking Guide to AED From Main Entrance)
- Effective advanced cardiac life support (ACLS)
 - Ensure the placement of key personnel to guide police, EMT's, and paramedics to the patient.
 - Key Personnel should retain School Building Floor plans (See Table of Contents 5)
- Early Post Resuscitative Care (Hospital Care and Rehabilitation)

Instructions for 911 Emergency Call Procedure

Communication is key to a quick, efficient emergency response.

- Verify your school specific 911 outgoing call system here:
 - Dial 911 for the 911 Emergency Operator
- Provide information
 - Name, address, telephone number of the caller
 - Nature of emergency (CPR in progress?)
 - Condition of patient (awake/unresponsive)
 - First Aid/Use of AED initiated by personnel
 - **Specific Instructions as needed to locate the emergency scene**

CPR/AED Certified Personnel List

The purpose of this list is to ensure that an adequate number of school personnel have been taught CPR/AED skills to increase the chances of survival of the patient.

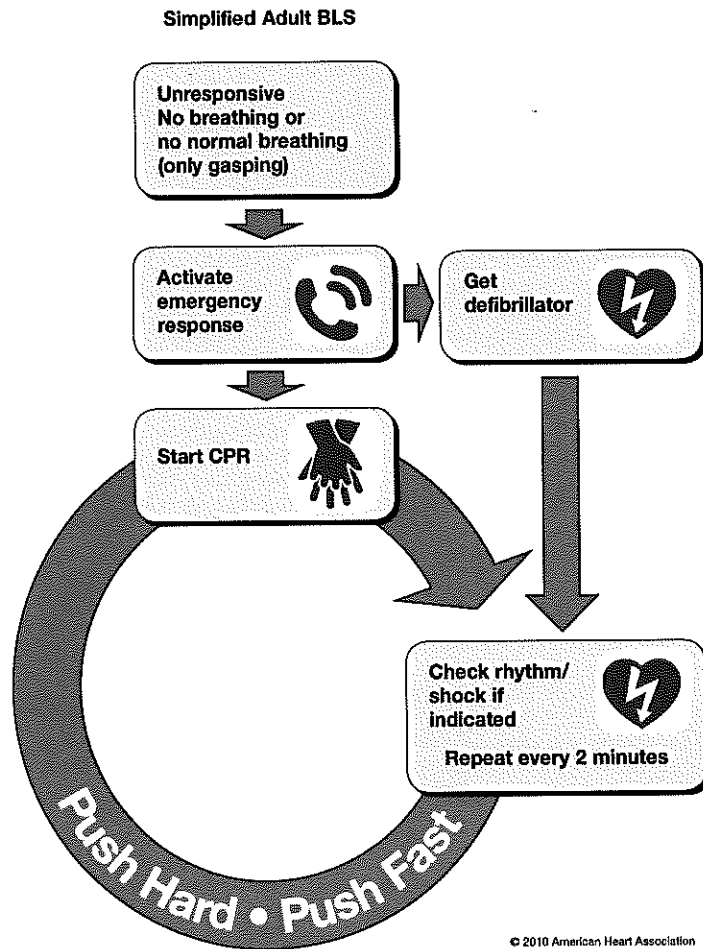
- At least five school staff members for each school building in the Manasquan School District which hold current certifications in CPR/AED.
- Please refer to Appendix IV (CPR/AED Certified Personnel List)
- This list will be available for all staff members to review on the school's network of documents located in this file: Code Blue Team .
- This list shall be placed next to the AED locations for easy access.
- The principal or designee shall review the above referenced lists four times at the monthly staff meeting during the course of the 10 month school year (September, November, February, and April).
- This mandatory agenda item shall be included during those staff meetings and reported in the monthly principal's report.
- This list shall be updated at least annually.

School Specific Guide

School Building Floor Plans must be easily accessible for all school personnel to review on an as-needed basis. In addition, collaboration with the local Police Department (PD) is essential (See Appendix XI). The local PD may be the first to respond to a 911 emergency call.

- The AED locations should be marked in red to ensure easy visibility on the written floor plan.
- A walking guide from the Main Entrance of the building should be available on the district's network by viewing file named AED Locator. See Appendix IX (Walking Guide to AED from Main Entrance)
- A chart with AED's and their locations school-wide should be available for easy viewing on the district's network by viewing the file named AED Map . See Appendix VIII.
- AED drills should be done on a yearly basis to evaluate efficiency of cardiac emergency action plan.
 - A nurse will be assigned to complete the Drill form in order to evaluate effectiveness of the personnel.

- The form will be kept on file for review for the next drill.

APPENDIX I
**Heartsaver®
Child CPR AED**


Tap and shout

Yell for help. Send someone to phone 911 and get an AED



Look for no breathing or only gasping

Push hard and fast. Give 30 compressions



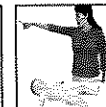
Open the airway and give 2 breaths

Repeat sets of 30 compressions and 2 breaths



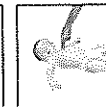
If you are alone after 5 sets of 30 compressions and 2 breaths, phone 911, and then resume sets of 30:2

When the AED arrives, turn it ON and follow the prompts

**Heartsaver®
Infant CPR**


Tap and shout

Yell for help. Send someone to phone 911



Look for no breathing or only gasping

Push hard and fast. Give 30 compressions



Open the airway and give 2 breaths

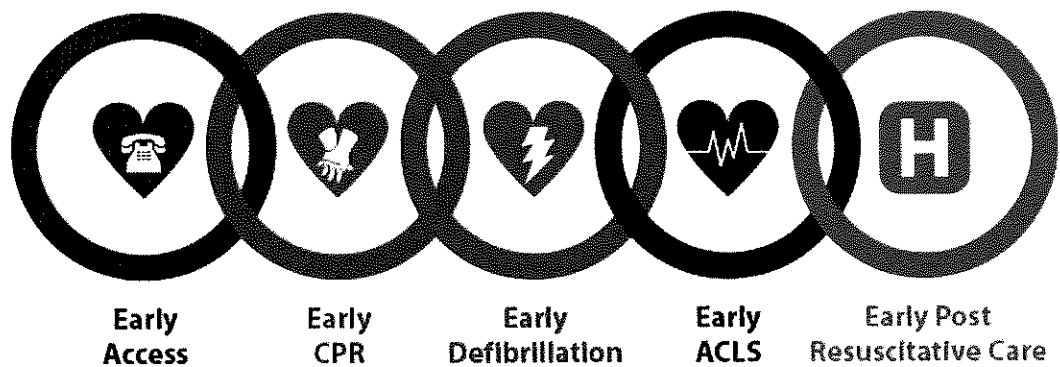
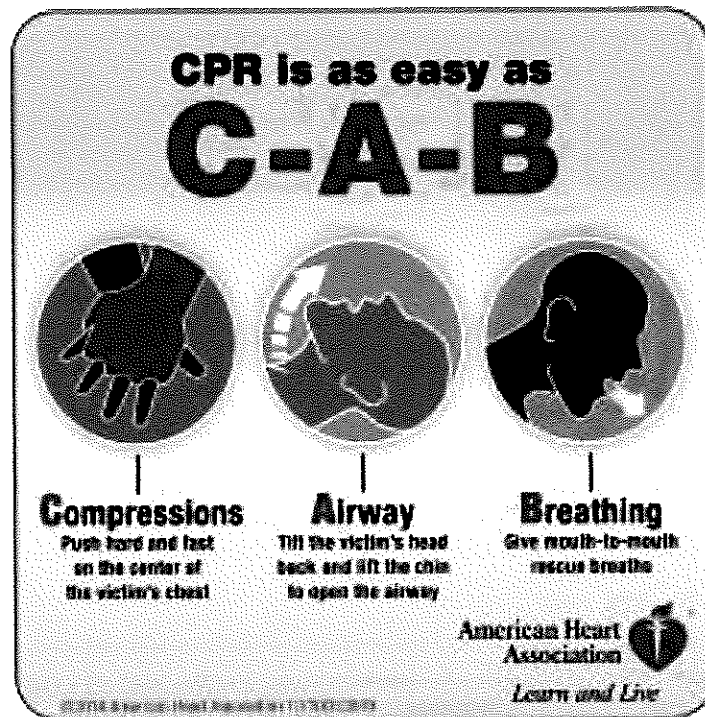
Repeat sets of 30 compressions and 2 breaths



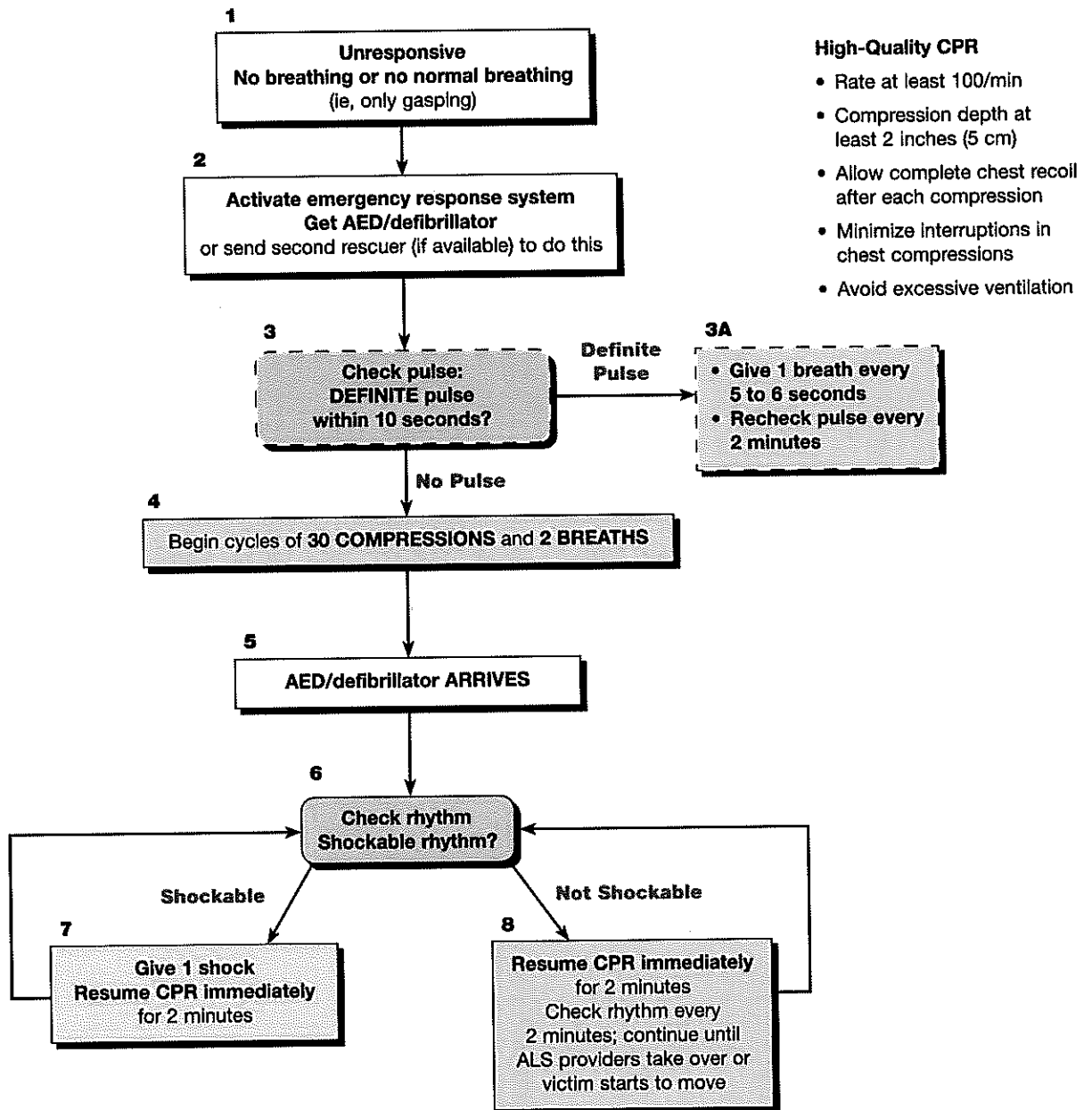
If you are alone after 5 sets of 30 compressions and 2 breaths, phone 911, and then resume sets of 30:2

00-1050 4-11 ISBN 978-1-61669-064-9 © 2011 American Heart Association Printed in the USA

APPENDIX II

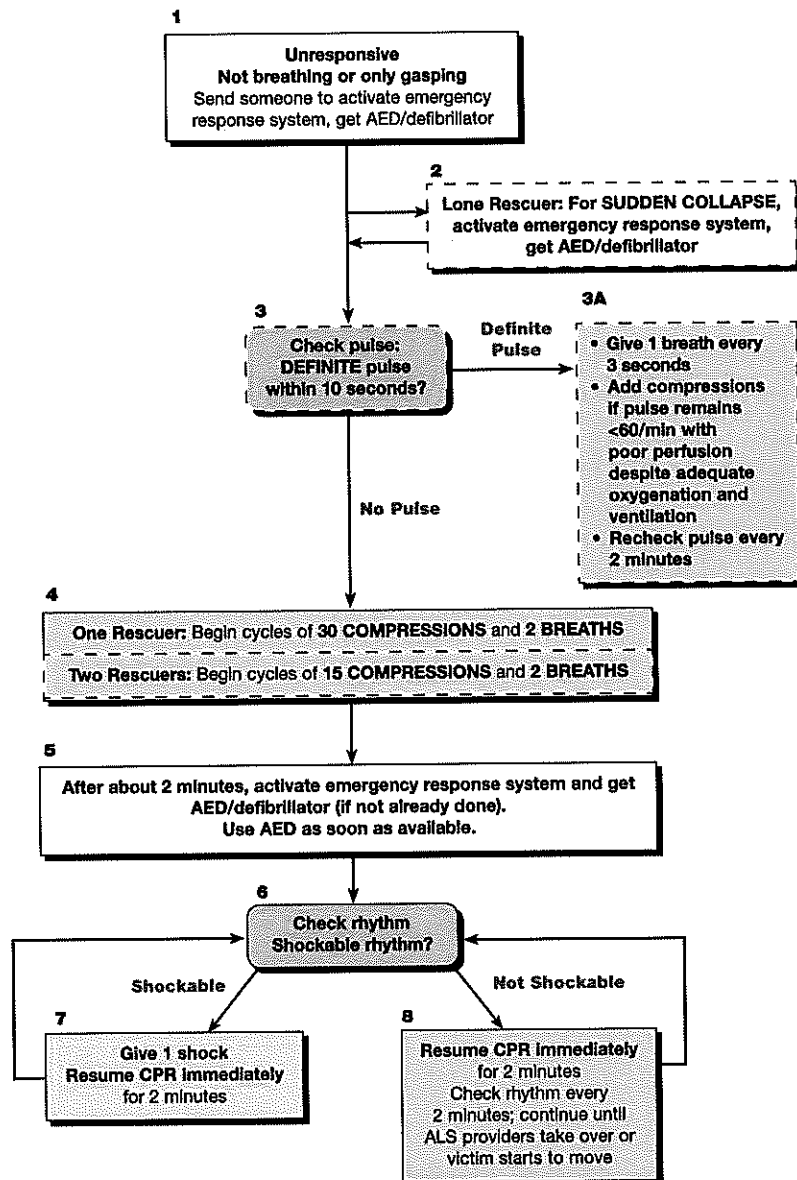


APPENDIX III

Adult BLS Healthcare Providers

Note: The boxes bordered with dashed lines are performed by healthcare providers and not by lay rescuers

© 2010 American Heart Association

APPENDIX IV**Pediatric BLS Healthcare Providers**

Note: The boxes bordered with dashed lines are performed by healthcare providers and not by lay rescuers

© 2010 American Heart Association

High-Quality CPR

- Rate at least 100/min
- Compression depth to at least $\frac{1}{3}$ anterior-posterior diameter of chest, about 1½ inches (4 cm) in infants and 2 inches (5 cm) in children
- Allow complete chest recoil after each compression
- Minimize interruptions in chest compressions
- Avoid excessive ventilation

APPENDIX V

CPR CERTIFIED PERSONNEL LIST TEMPLATE

[illegible]

APPENDIX VI

911-REPORTING FORM

Manasquan School District

School: _____

Date: ____/____/____

911 called at: _____

Transported to hospital at: _____ am/pm

Name: _____ Address: _____ Telephone: _____

DOB: _____ Employee: _____

Allergies/Medical Conditions:

Medications Taken:

Vital Signs: Temp _____; Pulse _____; Respirations _____; BP _____/_____

Pulse Ox: _____

Level of Consciousness: Oriented to time and place: Yes No

CPR Started: _____ AED USE: _____

Description of Injury/Condition:

Family Notified: YES NO

Treatment: O2 started: Yes No

If yes, How many liters? _____ l/min via nasal cannula or non-rebreather mask

AED attached: Yes No

Other Treatment rendered: _____

School Nurse/Staff Signature: _____

School Phone Number: _____

APPENDIX VII

AED/CPR DRILL USE PROCEDURE CHECK LIST AND TIME LINE	
Date _____	Time _____ Location _____
Participants _____	
Participants _____	
Patient Collapses	
First Person arrives at the scene (may be first responder-not EMS):	start clock
- Concern for own safety considered?	YES NO
- Patient checked for responsiveness?	YES NO
- Internal call for help in accordance emergency protocol?	YES NO
- "Call 911" command given?	YES NO
- Command given to obtain AED?	YES NO
- Command given for crowd control?	YES NO
- Command given to contact First Responder?	YES NO
Time of 911 Call _____ am pm	
- Description of victim's status given to operator?	YES NO
- Individual sends someone for help?	YES NO
- Individual instructs someone to meet EMS?	YES NO
- Documented emergency protocols followed (Note taking)?	YES NO
Time of First Responder arrives at scene	
- Concern for own safety considered?	YES NO
- Patient checked for responsiveness?	YES NO
- "Call 911" and AED commands confirmed?	YES NO
Time of AED command	
- Patient responsiveness and breathing checked?	YES NO
- CPR started and performed correctly?	YES NO
- Documented emergency procedures followed?	YES NO
Time of AED arrival at Scene	
- Clothing properly removed?	YES NO
- Electrodes properly placed?	YES NO
- AED voice prompts followed? (especially do not touch patient)	YES NO
Time of first AED shock	
- AED voice prompts continued to be followed?	YES NO
- Patient placed in recovery position?	YES NO
- Monitoring of patient continued?	YES NO
- Was AED left on?	YES NO
Time of EMS Arrival (Add six (6) minutes to time of 911 call)	
- Were details of event properly conveyed to EMS	YES NO
SHOCK WITHIN 3 MINUTES / EMS WITHIN 7 MINUTES	EXCELLENT
SHOCK WITHIN 5 MINUTES / EMS WITHIN 8 MINUTES	FAIR
SHOCK AFTER 5 MINUTES / EMS AFTER 8 MINUTES	POOR
YES ANSWERS 20-23	HERO
YES ANSWERS 17-19	EXTRAORDINAIRE
YES ANSWERS 14-16	HERO

AED LOCATIONS TEMPLATE

[illegible]

[illegible]

Post-Use of An Automated External Defibrillator

CPR Prior to Defibrillation: ☐ Attempted ☐ Not Attempted

Estimated Time from Arrest to First shock: _____ Number of Shocks Delivered: _____

Comments: _____

Patient Outcome at Incident Site:

- ☐ Return of spontaneous circulation
- ☐ Return of spontaneous circulation then cessation of spontaneous circulation
- ☐ Never achieved return of spontaneous circulation

Name of EMS Responding: _____

Name of EMS Transporting: _____

Name of Facility Patient Transported To: _____

Name of Physician Responsible for AED program: _____

Physician Signature: _____

Signature of Operator: _____

Date Report Submitted: _____

APPENDIX XI

LETTER FOR LOCAL POLICE DEPARTMENT

Date: _____

Chief

Manasquan Police Department

Re: Automated External Defibrillation (AED) Program, Alarm Response and Information Handling.

Dear Chief _____:

We have in place an extensive Public Access Defibrillation (PAD) program within the Manasquan School District. We have substantially expanded this program as part of our District wide school facilities expansion and emergency preparedness program.

Enclosed please find a listing of all AEDs located throughout the district.

We have installed Cardiac Science AEDs through TEAM LIFE, INC.

As always, the level of cooperation between the Manasquan School District and the Manasquan Police Department is appreciated. The direct benefactors of this relationship and collaborative AED program are the students, staff and visitors to our schools. Thank you for your assistance in this and other matters of mutual concern.

Sincerely,

Dr. Frank Kasyan, Superintendent

Enclosure

APPENDIX XII

DATES OF ANNUAL REVIEW AND/OR REVISION

This Cardiac Emergency Action Plan shall be reviewed annually for any necessary revisions. This document will commence upon board approval of this plan.

_____	_____
Date	Administrator
_____	_____
Date	Administrator
_____	_____
Date	Administrator
_____	_____

Date	Administrator
Date	Administrator
Date	Administrator
Date	Administrator
Date	Administrator
Date	Administrator
Date	Administrator
Date	Administrator

References

American Heart Association (2000). Part 12: From science to survival. Strengthening the Chain of Survival in Every Community.

DOCUMENT 4