

# POLICY GUIDE

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Home Instruction Due to Health Condition

Jun 14

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[See POLICY ALERT Nos. 96, 108, 147, 177 and 203]

## 2412 HOME INSTRUCTION DUE TO HEALTH CONDITION

The Board of Education ~~shall will~~ provide instructional services to an enrolled ~~student, pupil~~ whether a general education ~~student~~ ~~pupil~~ in Kindergarten through grade twelve or a special education ~~student~~ ~~pupil~~ age three to twenty-one, ~~at the pupil's home or another suitable out-of-school setting~~ when the ~~student~~ ~~pupil~~ is confined to the home or another out-of-school setting due to a temporary or chronic health condition or has a need for treatment ~~that which~~ precludes participation in their usual education setting, **whether general or special education**. ~~These services will be provided when a pupil is determined by the school physician to need confinement at their residence or other suitable out-of-school setting and the projected need for confinement is for ten consecutive school days or fifteen cumulative school days or more during the school year.~~

A ~~parent's~~ ~~r~~Requests for home instruction shall include a written determination from the ~~student's~~ ~~pupil's~~ physician documenting the projected need for the ~~pupil's~~ confinement **at the student's** to their residence or other treatment setting for **more than** ten consecutive school days or **twenty fifteen or more** cumulative school days during the school year. The written determination from the ~~student's~~ ~~pupil's~~ physician shall be forwarded to the school physician, who shall **either** verify the need for home instruction **or provide reasons for denial**. The ~~parent(s) or legal guardian(s)~~ shall be notified concerning the school physician's verification or reasons(s) for denial within five school days after receipt of the written determination by the ~~student's~~ ~~pupil's~~ physician.

The school district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, or through online services, including any needed equipment, or through contract with another district Board of Education, Educational Services Commission, Jointure Commission, or approved clinic or agency. The school district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is made prior to the ~~student's~~ ~~pupil's~~ confinement, during the first week of the ~~student's~~ ~~pupil's~~ confinement to the home or out-of-school setting.



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## Home Instruction Due to Health Condition

The home or out-of-school instruction shall meet the minimum standards as required in N.J.A.C. 6A:16-10.1(c). The school district ~~shall will~~ **establish maintain** a written plan for the delivery of instruction and **maintain a record of delivery of instructional services and student progress**. ~~The teacher providing instruction shall be a appropriately certified teacher for the subject, grade level, and special needs of the pupil pursuant to N.J.A.C. 6A:9. The teacher shall provide one-on-one instruction in accordance with the requirements of N.J.A.C. 6A:16-10.1(e)3.~~ **The teacher shall provide instruction for the number of days and length of time sufficient to continue the student's academic progress and dependent upon the student's ability to participate.**

For a **student** pupil with disabilities, the home instruction shall be consistent with the **student's** pupil's **Individualized Education Plan (IEP)** to the extent appropriate, and shall meet the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8. When the provision for home instruction for a **student** pupil with disabilities will exceed thirty consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the **student's** pupil's IEP.

For a **student** pupil without **disability** disabilities, the home instruction shall meet the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8 and the district's requirements **of the Board** for promotion **to the next** at that grade level. When the provision for home instruction for a **student** pupil without **disability** disabilities will exceed sixty calendar days, the school physician ~~shall will~~ refer the **student** pupil to the Child Study Team for evaluation, **pursuant** according to the requirements of N.J.A.C. 6A:14.

~~The school district shall be responsible for the costs of providing instruction for pupils as required by N.J.A.C. 6A:16-10.1(b).~~

The Board reserves the right to withhold home instruction when the reason for the **student's** pupil's confinement is such as to expose a teacher to a health hazard or dangerous home situation; **when** a parent(s) ~~or legal guardian(s)~~, or other responsible adult **twenty-one years of age or older, who has been designated by the parent**, is not present during the hours of instruction; or **when** the condition of the **student** pupil is such as to preclude benefit from such instruction.



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Home Instruction Due to Health Condition

**Students** Pupils on home instruction will be accounted for on the attendance register as required by the Department of Education. The name of a **student** pupil on home instruction will not be released at a public Board meeting or placed in a public record.

N.J.S.A. ~~18A:46-10~~ **18A:38-1 through 18A:38-25**

N.J.A.C. 6A:14-4.8; 6A:14-4.9; 6A:16-10.1

Adopted:



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[See POLICY ALERT Nos. 177 and 203]

## R 2412 HOME INSTRUCTION DUE TO HEALTH CONDITION

The Board of Education **shall** will provide instructional services to an enrolled **student** ~~pupil~~ whether a general education **student** ~~pupil~~ in Kindergarten through grade twelve or special education **student** ~~pupil~~ age three to twenty-one, ~~at the pupil's home or another suitable out-of-school setting such as a hospital or rehabilitation program~~ when the **student** ~~pupil~~ is confined to the home or another out-of-school setting due to a temporary or chronic health condition or has a need for treatment **that** ~~which~~ precludes participation in their usual education setting, whether general education or special education.

### A. Request For Home Instruction Due To A Temporary or Chronic Health Condition

1. The parent(s) ~~or legal guardian(s)~~ shall submit a request to the Dean of Students ~~(building level or central office administrator school staff member responsible for receiving home instruction requests)~~ that includes a written determination from the **student's** ~~pupil's~~ physician documenting the projected need for confinement at the **student's** ~~pupil's~~ residence or other treatment setting for **more than** ten consecutive school days or **twenty fifteen** ~~or more~~ cumulative school days ~~or more~~ during the school year.
2. The Dean of Students **(same staff member identified above)** shall forward the written determination to the school physician, who shall ~~review the written determination and~~ verify the need for home instruction. The school physician may contact the **student's** ~~pupil's~~ physician to secure additional information concerning the **student's** ~~pupil's~~ diagnosis or need for treatment, and shall either verify the need for home instruction or shall provide reasons for denial to the Dean of Students **(same staff member identified above)**.
3. The Dean of Students **(same staff member identified above)** shall notify the parent(s) ~~or legal guardian(s)~~ concerning the school physician's verification or reasons for denial within five school



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days after receipt of the written determination by the **student's**  
~~pupil's~~ physician.

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Home Instruction Due to Health Condition

## B. Providing Services

1. The school district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is made prior to the **student's** ~~pupil's~~ confinement, during the first week of the **student's** ~~pupil's~~ confinement to the home or out-of-school setting.
2. The school district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, **through online services, including any needed equipment**, or through contract with another district Board of Education, Educational Services Commission, Jointure Commission, or approved clinic or agency ~~pursuant to N.J.A.C. 6A:14~~ for the following categories of **students** ~~pupils~~:
  - a. A **student** ~~pupil~~ who resides within the area served by this Board of Education and is enrolled in a public school program; or
  - b. A **student** ~~pupil~~ who is enrolled in a nonpublic school that is located within the area served by this Board of Education pursuant to N.J.S.A. 18A:46A-1 et seq.

## C. Minimum Standards Requirements For Home or Out-of-School Instruction

1. The district shall establish a written plan for the delivery of instruction **to continue the student's academic progress** and to maintain a record of delivery of instructional services and **student** ~~pupil~~ progress ~~for each pupil receiving home or out-of-school instruction~~.
2. **The teacher providing instruction shall be a certified teacher.**
3. **The teacher shall provide instruction for the number of days and length of time sufficient to continue the student's academic progress and dependent upon the student's ability to**



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participate.

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Home Instruction Due to Health Condition

- a. ~~For a pupil without disabilities whose projected confinement will exceed thirty consecutive calendar days, the \_\_\_\_\_ (same staff member identified above) shall coordinate the development of an Individualized Program Plan (IPP) for the pupil within no more than thirty calendar days from the date on which the school district received the school physician's verification that the period of confinement would likely exceed this thirty consecutive calendar day threshold.~~
2. ~~The teacher providing instruction shall be appropriately certified for the subject, grade level, and special needs of the pupil pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards.~~
3. ~~The teacher shall provide one-on-one instruction for no fewer than five hours per week on three separate days of the week and, if the pupil is physically able, no fewer than five hours per week of additional guided learning experiences that may include the use of technology to provide audio and visual connections to the pupil's classroom.~~
  - a. ~~If home instruction is provided to pupils in a small group rather than through one-on-one instruction, the minimum number of hours of instruction per week for the group shall be determined by multiplying the number of pupils in the group by five hours. The hours of instruction shall be provided on no fewer than three separate days during the week.~~
4. For a **student** pupil with disabilities, the home instruction shall be consistent with the **student's** pupil's Individualized Education Plan (IEP) to the extent appropriate, and shall meet the Core Curriculum Content Standards pursuant to N.J.A.C. 6A:8, Standards and Assessment. When the provision of home instruction will exceed thirty consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the **student's** pupil's IEP.



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Home Instruction Due to Health Condition

5. For a **student** ~~pupil~~ without a disability, the home instruction shall meet the Core Curriculum Content Standards ~~pursuant to N.J.A.C. 6A:8, Standards and Assessment,~~ and the ~~district's~~ requirements of **the Board of Education** for promotion to the **next** ~~at that~~ grade level. When the provision of home instruction will exceed sixty calendar days, the school physician shall refer the **student** ~~pupil~~ to the Child Study Team for evaluation **pursuant** ~~according to the~~ requirements N.J.A.C. 6A:14.



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Student Pupil Intervention and Referral Services  
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[See POLICY ALERT Nos. 120, 134, 147, 153, 172, 177 and 203]

## 2417 STUDENT PUPIL INTERVENTION AND REFERRAL SERVICES

The Board of Education directs the establishment and implementation of a ~~coordinated system~~ in each school building in which general education **students** ~~pupils~~ are served, **a coordinated system** for the planning and delivery of **delivering** intervention and referral services ~~that are designed to assist students~~ **pupils** who are experiencing learning, behavior, or health difficulties, and to assist staff who have difficulties in addressing **students'** ~~pupils'~~ learning, behavior, or health needs in accordance with the requirements of N.J.A.C. 6A:16-8.1 and 6A:16-8.2. **The Board adopts this appropriate multidisciplinary team approach for planning and delivering the services required under N.J.A.C. 6A:16-8.**

**Students who are experiencing learning, behavior, or health difficulties shall be referred to the school's Intervention and Referral Services (I&RS) Team.** The intervention and referral services shall be provided to aid **students** ~~pupils~~ in the general education program and, ~~pursuant to N.J.S.A. 18A:46-18.1 et seq. and N.J.A.C. 6A:16-8.1 et seq.,~~ may be provided for **students** ~~pupils~~ who have been determined to ~~be in need of special education programs and services pursuant to N.J.A.C. 6A:16-8.1(a).~~ The intervention and referral services provided for **students** ~~pupils~~ who have been determined to ~~be in need of special education programs and services~~ shall be coordinated with the **student's** ~~pupil's~~ Individualized Education Program ~~Team~~, as appropriate.

The functions of the system of intervention and referral services in each school building **which general education students are served** shall be **pursuant to N.J.A.C. 6A:16-8.2(a) and as outlined in Regulation 2417.:**

1. ~~Identify learning, behavior, and health difficulties of pupils;~~
2. ~~Collect thorough information on the identified learning, behavior, and health difficulties;~~
3. ~~Develop and implement action plans which provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior, and health difficulties;~~





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## **Student Pupil Intervention and Referral Services**

- ~~4. Provide support, guidance, and professional development to school staff who identify learning, behavior, and health difficulties;~~
- ~~5. Provide support, guidance, and professional development to school staff who participate in each building's system for planning and providing intervention and referral services;~~
- ~~6. Actively involve parent(s) or legal guardian(s) in the development and implementation of intervention and referral services action plans;~~
- ~~7. Coordinate the access to and delivery of school resources and services for achieving the outcomes identified in the intervention and referral services action plans;~~
- ~~8. Coordinate the services of community-based social and health provider agencies and other community resources for achieving the outcomes identified in the intervention and referral services action plans;~~

**Records of all requests for assistance, all intervention and referral services action plans, and all related student information shall be maintained in accordance with Federal and State laws and regulations and New Jersey administrative code pursuant to N.J.A.C. 6A:16-8.2(a)9.**

- ~~9. Maintain records of all requests for assistance, intervention and referral services action plans, and related pupil information pursuant to N.J.A.C. 6A:16-8.2(a)9;~~

~~10.~~

**The I&RS Team shall r**Review and assess the effectiveness of the provisions of each intervention and referral services action plan in achieving the outcomes identified in each action plan and modify each action plan to achieve the outcomes, as appropriate;**and.**



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11. —

At a minimum, **the I&RS Team shall** annually review the intervention and referral services action plans and the actions taken as a result of the building's system of intervention and referral services, and make recommendations to the Building Principal for improving school programs and services, as appropriate.

**At the end of the school year, the Principal shall, in consultation with the I&RS Team, develop a report on the concerns and issues identified by the I&RS Team and the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral services action plans. This report shall be provided to the Superintendent of Schools.**

~~The Board of Education establishes the following guidelines for the involvement of school staff and community members in each building's system of intervention and referral services pursuant to N.J.A.C. 6A:16-8.3.~~

~~Each \_\_\_\_\_ (name of I&RS Team) will be composed of the Principal or a regular teaching staff member appointed by the Principal to act in his/her place; a regular teaching staff member; an educational services staff member; the staff member who referred a pupil in need of assistance or identified an issue requiring remediation; and such other staff members as may be required to assist the pupil or study the issue.~~

~~The \_\_\_\_\_ (name of I&RS Team) will identify pupils in need and plan for appropriate intervention or referral services and/or referral to community resources, based on desired outcomes.~~

~~When a pupil is referred to the \_\_\_\_\_ (name of I&RS Team), the team may provide support and guidance to the pupil's classroom teachers, plan and provide for appropriate interventions, coordinate access to and delivery of school services to the pupil, and coordinate the services of community members and/or community-based social and health provider agencies that may aid in the development and implementation of intervention and referral services action plans.~~



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## Student Pupil Intervention and Referral Services

~~Parent(s) or legal guardian(s) shall be notified whenever a pupil is referred to the \_\_\_\_\_ (name of I&RS Team), except as such notice may be waived by laws protecting abused children and the confidentiality of persons seeking drug or alcohol rehabilitation. Parent(s) or legal guardian(s) shall be offered an opportunity to participate in the development and implementation of intervention and referral services action plans.~~

~~The Principal shall, in consultation with the \_\_\_\_\_ (name of I&RS Team), report to the Board at the end of the school year on the concerns and issues identified by the team and the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral services action plans.~~

~~N.J.S.A. 18A:46-18.1 et seq.~~

~~N.J.A.C. 6A:14; 6A:16-8.1; 6A:16-8.2; 6A:16-8.3~~

Adopted:



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Student Pupil Intervention and Referral Services  
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[See POLICY ALERT Nos. 120, 134, 147, 153, 177 and 203]

## R 2417 STUDENT PUPIL INTERVENTION AND REFERRAL SERVICES

### A. Establishment of Intervention and Referral Services

1. The Superintendent of Schools will establish and implement in **each school building in which general education students are served**, ~~district-wide procedures for each school building in which general education pupils are served for the~~ **a coordinated system for planning and delivery of delivering** intervention and referral services ~~that are designed to assist students~~ pupils who are experiencing **learning, behavior, or health** difficulties, and to assist staff who have difficulties in addressing **students'** pupils' learning, behavior, or health needs in accordance with the requirements of N.J.A.C. 6A:16-8.1 and **6A:16-8.2**.

### B. Functions of Intervention and Referral Services

1. ~~The Each Building Principal in each school building in which general education students are served~~ will establish an Intervention and Referral Services (I&RS) Team referred to as the \_\_\_\_\_ ~~(name of I&RS team)~~. The I&RS Team \_\_\_\_\_ ~~(name of I&RS team)~~ will be comprised of the following:
  - a1. ~~The Principal or a member of the teaching staff other than a special education teaching staff member~~, who is appointed by the Principal to act on his/her behalf and with his/her authority, shall act as chairperson;
  - b2. A member of the Child Study Team (CST) **or an educational services staff member**;
  - c3. The staff member who referred **the student** ~~a pupil~~ in need of assistance or identified a school issue for discussion; and
  - d4. Such other school staff members as may effectively aid in the development and implementation of the assistance plan for a particular **student pupil**.



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## Student Pupil Intervention and Referral Services

25. The district will provide support, guidance, and professional development to school staff **members** who participate in each **school's building's** system for planning and providing intervention and referral services.

### C. Student Pupil Referral

1. A **student pupil** not known to have a disability who is experiencing **learning, behavior, or health difficulties** ~~difficulty in the classroom~~ shall may be referred to the **I&RS Team** ~~(name of I&RS team)~~. This referral may be made by any school staff member ~~the classroom teacher~~ or by the student's parent ~~his/her parent(s) or legal guardian(s)~~. The student's pupil's parent(s) or legal guardian(s) shall be informed of any such referral.
  - a. The district will provide support, guidance, and professional development to school staff **members on identifying who identify student** learning, behavior, and health difficulties.
2. When it appears that a referred **student pupil** may have a disability, the **I&RS Team** ~~(name of I&RS team)~~ shall refer the **student pupil** to the CST for evaluation pursuant to Policy No. 2460 for a determination of the **student's pupil's** eligibility for special education and/or related services.
3. The **I&RS Team** ~~(name of I&RS team)~~ shall consult with the **student's pupil's** regular classroom teacher(s), parent(s) or legal guardian(s), and any school staff member employee as appropriate to **identify and collect information on the learning, behavior, and health difficulties of the student** gather relevant information regarding the pupil's educational status, attendance, classroom behavior, and school conduct.
4. The school nurse **may be requested to** shall review the **student's pupil's** health records and inform the **Principal committee** of any **health** condition relevant to the pupil's **student's** difficulties. Any information regarding any infection with HIV virus or AIDS may be released only with the written permission of the adult **student pupil** or the **student's pupil's** parent(s) or legal guardian(s).



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Student Pupil Intervention and Referral Services

5. As appropriate, the **I&RS Team** \_\_\_\_\_ ~~(name of I&RS team)~~ may consult with community-based social and health agencies that provide services to the **student pupil** or the **student's pupil's** family.
6. **The I&RS Team shall determine if the student's learning, behavior, and/or health difficulties may be helped with a written action plan.**

## D. Intervention and Referral Services Action Plans

1. The **I&RS Team** \_\_\_\_\_ ~~(name of I&RS team)~~ shall **develop** ~~prepare and implement~~ a written action plan for referred ~~students pupils~~ **that provide for appropriate school or community interventions or referrals to school and community resources, based on collected data and desired outcomes for the identified learning, behavior, or health difficulties** ~~who require supportive services, modifications to their regular educational program, or assessment and referral to school or community-based social and/or health provider agencies.~~
2. The intervention and referral services action plan shall:
  - a. Detail any modifications in the **student's pupil's** educational program **which will include, but not be limited to, support and guidance to the student's teacher(s);**
  - b. List the persons who will implement the action plan;;
  - c. Include any recommendations for assessment and referral to specified school or community-based social and/or health provider agencies;;
  - d. Document parental notification of the **student's pupil's** referral and any change in educational placement or the withholding of parental notification because child abuse was suspected or Federal rules mandated confidentiality in an alcohol or drug related matter;;



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- e. ~~The student's parent(s) or legal guardian(s) shall be actively involved in the development and implementation of any intervention and referral services action plans by being offered an opportunity to provide input in the development and implementation of the action plan;~~ and
  - f. Identify the **I&RS Team** committee member(s) who will ~~to~~ **coordinate the access to and delivery of school resources and services for achieving outcomes identified in the intervention and referral services action plan** ~~monitor and review the pupil's progress;~~ and
  - g. Identify the **I&RS Team** member(s) who will coordinate the services of community-based social and health provider agencies and other community resources for achieving outcomes identified in the intervention and referral services action plan.
3. The implementation and effectiveness of ~~each~~ the intervention and referral services action plan shall be reviewed **by the I&RS Team** within eight calendar weeks from the beginning of its implementation. The **I&RS Team** committee shall consult the referring school staff member and any other school staff members ~~for his/her assessment of to assess the effectiveness of the plan.~~
- a4. ~~If the implementation of the action plan is determined to be ineffective,~~ **not achieving the identified outcomes,** the plan shall be **modified to achieve the outcomes, as appropriate** ~~reviewed and amended as necessary.~~ If the review indicates **the student may have a disability,** the ~~student pupil~~ shall be referred to the CST.
4. The **I&RS Team** may review any intervention and referral services action plan throughout the school year. However, at a minimum, the **I&RS Team** shall annually review all intervention and referral services action plans and the actions taken as a result of the school building's system of intervention and referral services, and make recommendations to the Principal for improving school programs and services, as appropriate.



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Student Pupil Intervention and Referral Services

## E. Records and Annual Reports

- ~~1. Records of all requests for assistance, intervention and referral services action plans, and related pupil information shall be maintained in accordance with Federal and State laws, pursuant to N.J.A.C. 6A:16-8.2(a)9.~~
12. At the end of the school year, the Principal shall, in consultation with the **I&RS Team** \_\_\_\_\_ (**name of I&RS team**), develop a report on the concerns and **issues** problems identified by **the** through **I&RS Team** committee discussions and **the effectiveness of the services provided in achieving the outcomes identified** documented in **the** intervention and referral services action plans. The report shall **also** include:
  - a. A description of the needs and issues identified through referrals to the **I&RS Team** committee,;
  - b. An identification and analysis of significant needs and issues that could facilitate school planning for the subsequent year;;
  - c. A description of activities planned in response to the needs and issues significant in school planning;; and
  - d. **Any other information the Principal or the I&RS Team determine would be beneficial to improving the school's system for planning and delivering intervention and referral services designed to assist students.**
- 2d. The Principal's report shall be **provided** given to the **Superintendent of Schools** Board of Education and kept on file as a public record.

Issued:





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Home or Out-of-School Instruction for a General  
Education Student for Reasons Other Than a  
Temporary or Chronic Health Condition Pupils

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[See POLICY ALERT Nos. 158, 173, 177 and 203]

## 2481 HOME OR OUT-OF-SCHOOL INSTRUCTION FOR A GENERAL EDUCATION STUDENT FOR REASONS OTHER THAN A TEMPORARY OR CHRONIC HEALTH CONDITION PUPILS

The **Board of Education** district ~~shall will~~ provide instructional services to **an** enrolled general education **student** pupils at the **student's** pupil's home or other suitable out-of-school setting under the following conditions:

- A. The **student** pupil is mandated by State law and rule for placement in an alternative education program ~~for violations of N.J.A.C. 6A:16-5.5 (firearm offenses) and 6A:16-5.6 (assault with weapons offenses)~~, but placement is not immediately available;
- B. The **student** pupil is placed on short-term or long-term suspension from participation in the general education program ~~pursuant to N.J.A.C. 6A:16-7.2 and 7.3~~; or
- C. A court order requires the **student** pupil receive instructional services in the home or other out-of-school setting.

The **school** district in which ~~a the~~ **student** pupil resides **shall be** is responsible for the costs of providing instruction in the home or out-of-school setting either directly, **or through online services, including any needed equipment**, or through contract with another Board of Education, Educational Services Commission, Jointure Commission, or approved clinic or agency. The district shall provide services no later than five school days after the **student** pupil has left the general education program.

The services to be provided shall meet the minimum standards as required in N.J.A.C. 6A:16-10.2(d). ~~The district will develop an Individualized Program Plan (IPP) for the delivery of instructional services and pupil progress in accordance with requirements of N.J.A.C. 6A:16-10.2(d)1. The IPP shall be based upon consultation with the pupil's parent(s) or legal guardian(s) and a multi-disciplinary team of professionals with appropriate instructional and educational services credentials to assess the educational, behavioral, emotional, social, and health needs of the pupil and recommend a program to address both educational and behavioral goals. The IPP shall incorporate any prior findings and actions~~



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## Home or Out-of-School Instruction for a General Education **Student for Reasons Other Than a Temporary or Chronic Health Condition Pupils**

~~recommended through the school building's system of Intervention and Referral Services pursuant to N.J.A.C. 6A:16-8 and recommend placement in an appropriate educational program. The school district shall review the pupil's progress, consult with the pupil's parent(s) or legal guardian(s), and revise the IPP no less than every sixty calendar days.~~

The teacher(s) providing the instruction ~~shall~~ will be appropriately a certified **teacher** for the subject and grade level of the pupil. **The teacher shall provide** ~~One-on-one instruction will be provided for no fewer than ten hours per week on three separate days of the week and no fewer than ten hours per week of additional guided-learning experiences that may include the use of technology to provide audio and visual connections to the student's pupil's classroom. If home instruction is provided to pupils in a small group rather than through one-on-one instruction, direct instruction, that may include guided learning experiences, shall be provided for no fewer than twenty hours per week provided on no fewer than three separate days during the week and the pupil to teacher ratio shall not exceed 10:1.~~

**The Pupils will receive instruction shall** that meets the Core Curriculum Content Standards in accordance with N.J.A.C. 6A:8 and that meets the school **Board of Education's** district's requirements for promotion and graduation.

If instruction is delivered in the **student's** pupil's home, a parent or other adult **twenty-one** 21 years of age or older who has been designated by the parent shall be present during all periods of home instruction. ~~Refusal or failure by a parent(s) or legal guardian(s) to participate in the development and revision of the pupil's IPP or to be present in the home as required may be deemed a violation of compulsory education laws, pursuant to N.J.S.A. 18A:38-25 through 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq.~~

The ~~\_\_\_\_\_ (administrator responsible for maintaining home instruction records)~~ shall maintain a summary record, pursuant to N.J.A.C. 6A:16-10.2(g)1, concerning pupils receiving home or out-of-school instruction because they could not be placed in the setting recommended as most appropriate in the pupils' IPPs. The Superintendent shall provide the summary report annually to the County Superintendent pursuant to N.J.A.C. 6A:16-10.2(g).

N.J.S.A. 18A:38-1 through 18A:38-25

N.J.A.C. 6A:16-10.2

Adopted:



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R 2481/page 1 of 4

Home or Out-of-School Instruction for a General  
Education **Student for Reasons Other Than a  
Temporary or Chronic Health Condition Pupils**

Jun 14

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[See POLICY ALERT Nos. 177 and 203]

R 2481 HOME OR OUT-OF-SCHOOL INSTRUCTION FOR A GENERAL  
EDUCATION STUDENT FOR REASONS OTHER THAN A  
TEMPORARY OR CHRONIC HEALTH CONDITION PUPILS

The Board of Education **shall** ~~will~~ provide instructional services to an enrolled general education **student** ~~pupil~~ at the **student's** ~~pupil's~~ home or other suitable out-of-school setting pursuant to N.J.A.C. 6A:16-10.2.

A. Conditions For Providing Instructional Services – N.J.A.C. 6A:16-10.2(a)

1. The **student** ~~pupil~~ is mandated by State law and rule for placement in an alternative education program, ~~for violations of N.J.A.C. 6A:16-5.5 and 5.6~~ but placement is not immediately available;
2. The **student** ~~pupil~~ is placed on short-term or long-term suspension from participation in the general education program pursuant to ~~N.J.A.C. 6A:16-7.2 and 7.3~~; or
3. A court order requires the **student** ~~pupil~~ to receive instructional services in the home or other out-of-school setting.

B. Providing Services

1. The school district shall provide services no later than five school days after the **student** ~~pupil~~ has left the general education program.
2. The school district in which a **student** ~~the pupil~~ resides shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly or through **online services, including any needed equipment, or through** contract with another Board of Education, Educational Services Commission, Jointure Commission, or approved clinic or agency.



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Home or Out-of-School Instruction for a General  
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## C. Standards For Home or Out-of-School Instruction

1. ~~The \_\_\_\_\_ (building level or central office administrator the school staff member responsible for these home instruction services) shall coordinate the development of an Individualized Program Plan (IPP) for delivery of instruction and maintain a record of delivery of instructional services and pupil progress.~~
1. The district shall establish a written plan for the delivery of instruction and maintain a record of delivery of instructional services and student progress.
2. The teacher providing instruction shall be a certified teacher.
  - a. ~~For a pupil expected to be on home instruction for thirty calendar days or more, the IPP shall be developed within thirty calendar days after placement;~~
    - (1) ~~For a pupil on short-term suspension from the general education program pursuant to N.J.A.C. 6A:16-7.2, development of an IPP is not required.~~
    - (2) ~~For a pupil on long-term suspension from the general education program pursuant to N.J.A.C. 6A:16-7.3, the IPP shall be developed within thirty days following a determination by the school district.~~
  - b. ~~The IPP shall be based upon consultation with the pupil's parent(s) or legal guardian(s) and a multi-disciplinary team of professionals with appropriate instructional and educational services credentials to assess the educational, behavioral, emotional, social, and health needs of the pupil and recommend a program to address both educational and behavioral goals;~~



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Home or Out-of-School Instruction for a General  
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- c. ~~The IPP shall incorporate any prior findings and actions recommended through the school building system of Intervention and Referral Services, pursuant to N.J.A.C. 6A:16-8, Intervention and Referral Services;~~
  - d. ~~The IPP shall recommend placement in an appropriate educational program, including supports for transition back to the general education setting; and~~
  - e. The \_\_\_\_\_ **(building level or central office administrator responsible for home instruction services)** shall review the pupil's progress, consult with the pupil's parent(s) or legal guardian(s), and coordinate the revision of the IPP no less than every sixty calendar days.
2. ~~The teacher providing instruction shall be appropriately certified for the subject and grade level of the pupil pursuant to N.J.A.C. 6A:9, Professional Licensure and Standards.~~
3. The teacher shall provide one-on-one instruction for no fewer than ten hours per week on three separate days of the week and no fewer than ten hours per week of additional guided-learning experiences that may include the use of technology to provide audio and visual connections to the **student's** pupil's classroom.
- a. ~~If home instruction is provided to pupils in a small group rather than through one-on-one instruction, direct instruction, that may include guided learning experiences, shall be provided for no fewer than twenty hours per week provided on no fewer than three separate days during the week and the pupil to teacher ratio shall not exceed 10:1.~~
4. The instruction shall meet the Core Curriculum Content Standards in accordance with N.J.A.C. 6A:8 and the **Board of Education's** district's requirements for promotion and graduation.



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Home or Out-of-School Instruction for a General  
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5. ~~If instruction is delivered in the pupil's home, a parent(s) or legal guardian(s) or other adult twenty-one years of age or older who has been designated by the parent(s) or legal guardian(s) shall be present during all periods of home instruction.~~
6. ~~Refusal or failure by a parent(s) or legal guardian(s) to participate in the development and revision of the pupil's IPP as required or to be present in the home as required in 5. above may be deemed a violation of compulsory education laws, pursuant to N.J.S.A. 18A:38-25 through 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq.~~

## D. ~~Record Keeping~~

1. ~~The \_\_\_\_\_ (building level or central office administrator responsible for home instruction services) shall maintain a summary record concerning pupils receiving home or out-of-school instruction because they could not be placed in the setting recommended as most appropriate in the pupils' IPPs.~~
  - a. ~~The summary record shall provide information concerning the number of pupils categorized by age, grade and gender, the number of weeks on home instruction before placement in the recommended setting, and the reasons for delay.~~
  - b. ~~The Superintendent shall provide the summary report annually to the Executive County Superintendent of Schools.~~

Issued:



# POLICY GUIDE

TEACHING STAFF MEMBERS

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Electronic Communications Between Teaching Staff

Members and Students

Jun 14

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[See **POLICY ALERT No. 203**]

## 3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS

The Board of Education recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and teaching staff members communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between teaching staff members and students. However, the Board of Education recognizes teaching staff members can be vulnerable in electronic communications with students.

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to teaching staff members to prevent improper electronic communications between teaching staff members and students.

The Commissioner of Education and arbitrators, appointed by the Commissioner, have determined inappropriate conduct may determine a teaching staff member unfit to discharge the duties and functions of their position. Improper electronic communications by teaching staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a teaching staff member's responsibilities regarding co-curricular, athletic coaching, and any other instructional or non-instructional responsibilities assigned to the teaching staff member by the administration or Board of Education.



# POLICY GUIDE

## TEACHING STAFF MEMBERS

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### Electronic Communications Between Teaching Staff Members and Students

For the purposes of this Policy, “improper electronic communications” means an electronic communication between a teaching staff member and any student of the school district when:

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a teaching staff member and a student as defined in this Policy.

Inappropriate content of an electronic communication between a teaching staff member and a student includes, but is not limited to:

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the teaching staff member’s or student’s past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the teaching staff member’s professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and





# POLICY GUIDE

## TEACHING STAFF MEMBERS

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### Electronic Communications Between Teaching Staff Members and Students

8. Communications between the teaching staff member and a student that the Commissioner of Education or an arbitrator would determine to be inappropriate in determining the teaching staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a teaching staff member and a student shall be followed:

1. E-Mail Electronic Communications Between a Teaching Staff Member and a Student
  - a. All e-mails between a teaching staff member and a student must be sent or received through the school district's e-mail system. The content of all e-mails between a teaching staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.
  - b. A teaching staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a teaching staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the teaching staff member and the student.
  - c. A teaching staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a teaching staff member shall have no expectation of privacy on the school district's e-mail system.
2. Cellular Telephone Electronic Communications Between a Teaching Staff Member and a Student
  - a. Communications between a teaching staff member and a student via a personal cellular telephone shall be prohibited.



# POLICY GUIDE

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## TEACHING STAFF MEMBERS

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### Electronic Communications Between Teaching Staff Members and Students

- (1) However, a teaching staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the teaching staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.
3. Text Messaging Electronic Communications Between Teaching Staff Members and Students
  - a. Text messaging communications between a teaching staff member and an individual student are prohibited.
    - (1) However, a teaching staff member may, with prior approval of the Principal or designee, text message students provided the need to text message is directly related to the teaching staff member's professional responsibilities with a class or co-curricular activity. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the class or activity approved by the Principal or designee.
4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Teaching Staff Members and a Student
  - a. A teaching staff member is prohibited from communicating with any student through the teaching staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a teaching staff member and a student.



# POLICY GUIDE

## TEACHING STAFF MEMBERS

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### Electronic Communications Between Teaching Staff Members and Students

- b. A teaching staff member shall not accept “friend” requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a teaching staff member’s personal social networking website or other Internet-based social media website shall not be responded to by the teaching staff member and shall be reported to the Principal or designee by the teaching staff member.
- c. If a teaching staff member has a student(s) as a “friend” on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.
- d. Communication between a teaching staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

#### Reporting Responsibilities

In the event a student sends an improper electronic communication, as defined in this Policy, to a teaching staff member, the teaching staff member shall report the improper communication to the Principal or designee by the next school day. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a teaching staff member or a student may result in appropriate disciplinary action.



# POLICY GUIDE

## TEACHING STAFF MEMBERS

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### Electronic Communications Between Teaching Staff Members and Students

#### [Optional: District may select one of the following exemption options

X A teaching staff member and student may be exempt from the provisions outlined in this Policy if a teaching staff member and student are relatives. The parent of a student and the teaching staff member requesting an exemption from the provisions of this Policy must submit a written request to the Principal of the student's school indicating the family relationship between the student and the teaching staff member. The Principal will provide written approval of the request to the teaching staff member and the student. If the Principal does not approve the request, the teaching staff member and the student must comply with all provisions of this Policy. The Principal's approval of a request for this exemption shall only be for the individual teaching staff member and student included in the request and for the school year in which the request is submitted.

~~\_\_\_\_\_ A teaching staff member and student may be exempt from the provisions outlined in this Policy if a teaching staff member and student are relatives. The teaching staff member and the student's parent shall submit notification to the Principal of the student's school of their family relationship and their exemption from the provisions outlined in this Policy.]~~

The provisions of this Policy shall be applicable at all times while the teaching staff member is employed in the school district and at all times the student is enrolled in the school district, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

N.J.S.A. 18A:36-40

Adopted:



# POLICY GUIDE

SUPPORT STAFF MEMBERS

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Electronic Communications Between Support Staff  
Members and Students

Jun 14

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[See POLICY ALERT No. 203]

## 4283 ELECTRONIC COMMUNICATIONS BETWEEN SUPPORT STAFF MEMBERS AND STUDENTS

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to support staff members to prevent improper electronic communications between support staff members and students. The Board of Education recognizes support staff members can be vulnerable in electronic communications with students.

The Board prohibits all electronic communications between a support staff member and a student. However, based on a support staff member's professional responsibilities electronic communications between a support staff member and a student may be permitted with written approval of the Superintendent or designee. The approval is only for the school year in which the approval is granted. If the Superintendent or designee approves electronic communications between a support staff member and a student, the support staff member shall be required to comply with all the provisions of this Policy.

The Commissioner of Education has determined inappropriate conduct may determine a school staff member unfit to discharge the duties and functions of their position. Improper electronic communications by school staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a support staff member's responsibilities assigned to the support staff member by the administration or Board of Education.

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a support staff member and any student of the school district when:



# POLICY GUIDE

## SUPPORT STAFF MEMBERS

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### Electronic Communications Between Support Staff Members and Students

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for electronic communications between a support staff member and a student as defined in this Policy.

Inappropriate content of an electronic communication between a support staff member, who has been approved by the Superintendent or designee to have electronic communications, and a student includes, but is not limited to:

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the support staff member's or student's past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the support staff member's professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and
8. Communications between the support staff member and a student that the Commissioner of Education would determine to be inappropriate in determining the support staff member is unfit to discharge the duties and functions of their position.



# POLICY GUIDE

## SUPPORT STAFF MEMBERS

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### Electronic Communications Between Support Staff Members and Students

The following acceptable protocols for all electronic communications between a support staff member, who has been approved by the Superintendent or designee to have electronic communications, and a student shall be followed:

1. E-Mail Electronic Communications Between a Support Staff Member and a Student
  - a. All e-mails between a support staff member and a student must be sent or received through the school district's e-mail system. The content of all e-mails between a support staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.
  - b. A support staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a support staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the support staff member and the student.
  - c. A support staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a support staff member shall have no expectation of privacy on the school district's e-mail system.
1. Cellular Telephone Electronic Communications Between a Support Staff Member and a Student
  - a. Communications between a support staff member and a student via a personal cellular telephone shall be prohibited.
    - (1) However, a support staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the support staff member's professional responsibilities for a specific purpose such as a field



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## SUPPORT STAFF MEMBERS

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### Electronic Communications Between Support Staff Members and Students

trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.

#### 2. Text Messaging Electronic Communications Between Support Staff Members and Students

- a. Text messaging communications between a support staff member and an individual student are prohibited.

- (1) However, a support staff member may, with prior approval of the Principal or designee, text message students provided the need to text message is directly related to the support staff member's professional responsibilities regarding the student. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the activity approved by the Principal or designee.

#### 3. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Support Staff Members and a Student

- a. A support staff member is prohibited from communicating with any student through the support staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a support staff member and a student.
- b. A support staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a support staff member's personal social networking website or other Internet-based social media website shall not be responded to by the support staff member and shall be reported to the Principal or designee by the support staff member.





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## SUPPORT STAFF MEMBERS

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### Electronic Communications Between Support Staff Members and Students

- c. If a support staff member has a student(s) as a “friend” on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.
- d. Communication between a support staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

#### Reporting Responsibilities

- 1. In the event a student sends an electronic communication to a support staff member who has not been approved by the Superintendent or designee to have electronic communications, the support staff member shall report the communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such electronic communications. Electronic communications by a support staff member or a student where such communications are not approved by the Superintendent or designee may result in appropriate disciplinary action.
- 2. In the event a student sends an improper electronic communication, as defined in this Policy, to a support staff member who has been approved by the Superintendent or designee to receive electronic communications, the support staff member shall report the improper electronic communication to the Principal or designee. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a support staff member or a student may result in appropriate disciplinary action.



# POLICY GUIDE

## SUPPORT STAFF MEMBERS

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### Electronic Communications Between Support Staff Members and Students

#### [Optional: District may select one of the following exemption options

X A support staff member and student may be exempt from the provisions outlined in this Policy if a support staff member and student are relatives. The parent of the student and the support staff member requesting an exemption from the provisions of this Policy must submit a written request to the Principal of the student's school indicating the family relationship between the student and the support staff member. The Principal will provide written approval of the request to the support staff member and the student. If the Principal does not approve the request, the support staff member and the student must comply with all provisions of this Policy. The Principal's approval of a request for this exemption shall only be for the individual support staff member and student included in the request and for the school year in which the request is submitted.

~~\_\_\_\_\_ A support staff member and student may be exempt from the provisions outlined in this Policy if a support staff member and student are relatives. The support staff member and the student's parent shall submit notification to the Principal of the student's school of their family relationship and their exemption from the provisions outlined in this Policy.]~~

The provisions of this Policy shall be applicable at all times while the support staff member is employed in the school district and at all times the student is enrolled in the school district, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

N.J.S.A. 18A:36-40

Adopted:



# POLICY GUIDE

PUPILS  
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Suspension  
Jun 14  
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[See POLICY ALERT No. 140, 144, 147, 176 and 203]

## 5610 SUSPENSION

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

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

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

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

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

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



# POLICY GUIDE

PUPILS  
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Suspension

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

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

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

## Optional

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



# POLICY GUIDE

PUPILS  
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Suspension

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

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

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

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

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

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

N.J.S.A. 18A:54-20g [vocational districts]

N.J.A.C. 6A:16-7.2; 6A:16-7.3; **6A:32-7.7**; 6A:14-2.8 **et seq.**  
~~20 U.S.C. 1415~~

Adopted:



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[See POLICY ALERT Nos. 176 and 203]

## R 5610 SUSPENSION PROCEDURES

### A. Short-Term Suspensions

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



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



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~~(3) At the completion of a short-term suspension, the district Board of Education shall return the general education pupil to the general education program.~~

(1) The student's academic instruction shall be provided within five school days of the suspension.

(2) At the completion of a short-term suspension, the Board of Education shall return a general education student to the general education program for which he or she was suspended.

(3) The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.

2. The ~~suspending Building Principal~~ **suspending the student** shall immediately report the suspension to the Superintendent, who ~~shall is required to~~ report it to **the** Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.

~~3. A Board may deny the pupil participation in extracurricular activities, school functions, sports, or graduation exercises as disciplinary sanctions, where such measures are designed to maintain the order and integrity of the school environment.~~

3. An appeal of the Board's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

4. For a **student pupil** with a disability, the provisions set forth in this section **N.J.A.C. 6A:16-7.2** shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

## B. Long-Term Suspensions

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





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



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



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



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



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



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

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

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

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

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

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

Adopted Issued:





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

Offenses

Jun 14

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

Adopted:



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Removal of Students for Firearms Offenses

Jun 14

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

## R 5611 REMOVAL OF STUDENTS FOR FIREARMS OFFENSES

### A. Definitions

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

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

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

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



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## Removal of Students for Firearms Offenses

### B. Removal of Students for Firearm Offenses

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

### C. Procedures - Removal of Students for Firearm Offenses

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



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Removal of Students for Firearms Offenses

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



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Removal of Students for Firearms Offenses

4. A student, other than a student with a disability, removed pursuant to B. above shall be entitled to a hearing before the Board of Education in accordance with N.J.A.C. 6A:16-7.3 through 7.5.
5. If it is found that the removed student did not commit the offenses in B. above, the student shall be immediately returned to the program from which he or she was removed.

## D. Return to General Education Program

1. The Superintendent shall make the final determination on whether the general education student is prepared to return to the general education program, or will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9, or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, based on the following criteria:
  - a. The nature and severity of the offense;
  - b. The Board's removal decision;
  - c. The results of relevant testing, assessment, or evaluation of the student; and
  - d. The recommendation of the Principal or Director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.

## E. Exception

1. The provisions of N.J.A.C. 6A:16-5.5 shall not apply to a firearm that is lawfully stored in a locked vehicle on school grounds, or when it is for activities approved and authorized by the Board of Education, as long as the Board adopts appropriate safeguards to ensure student safety.



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Removal of Students for Firearms Offenses

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

Adopted:





# POLICY GUIDE

PUPILS

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

Members or Employees

Jun 14

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[See POLICY ALERT Nos. 158 and 203]

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

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

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

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

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



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

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

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

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

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



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Assaults by Pupils on **District Board of Education**  
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**Policy and Regulation 5612, implementing the requirements of N.J.A.C. 6A:16-5.7, shall be annually disseminated to all school staff, students, and parents.**

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

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

Adopted:



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

## 5620 EXPULSION

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

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

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

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



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Expulsion

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

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

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

Adopted:



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Reporting Potentially Missing or Abused Children

Mar 16

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[See POLICY MEMO No. 56]

[See POLICY ALERT Nos. 94, 97, 100, 106, 133, 169, 180, 203 and 208]

## 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

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

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

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

The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities. Notification to appropriate law enforcement authorities shall be made for all



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### Reporting Potentially Missing or Abused Children

reports by employees, volunteers, or interns working in the school district. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

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

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

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

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

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



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Reporting Potentially Missing or Abused Children

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

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

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

Adopted:





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Reporting Potentially Missing or Abused Children

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[See POLICY ALERT Nos. 97, 100, 133, 169, 180, 203 and 208]

## R 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

### A. Definitions

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



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Reporting Potentially Missing or Abused Children

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

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

- 2. An "iIntern" means a post-secondary student or graduate student in a professional field gaining supervised practical experience.

## B. Indications of Child Abuse and/or Neglect

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



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### Reporting Potentially Missing or Abused Children

- e. A student complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;
- f. A student is excessively apprehensive, fearful, withdrawn, or aggressive;
- g. A student is afraid to go home after school or arrives to school unreasonably early;
- h. A parent or the caretaker of a child admits having abused the child;
- i. The removal from school by the parent, guardian, or other person having custody and control of the child that may be an indicator of additional grievous abuses; or
- j. School district personnel have any other reason to believe that a child has been subject to child abuse and/or neglect, to include but not be limited to, physical abuse, sexual abuse, neglect, educational abuse, and educational neglect.

#### C. Notification Requirements for School District Employees, Volunteers, or Interns

- 1. Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, or neglected children.
  - a. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification.
  - b. The person notifying designated child welfare authorities shall inform the Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification.



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Reporting Potentially Missing or Abused Children

- (1) Notice to the Principal or other designated school official(s) need not be given when the person believes the notice would likely endanger the reporter or student involved or when the person believes the disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.
2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or to **any other telephone number designated by the appropriate child welfare authorities**. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

D. School District's Notification to Law Enforcement

1. The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.
  - a. Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children shall be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.
  - b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district.
    - (1) The notification to appropriate law enforcement authorities on behalf of a student attending a receiving school shall be made to the law enforcement authorities identified in the receiving school's Memorandum of Agreement as required by N.J.A.C. 6A:16-6.2(b)13.



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### Reporting Potentially Missing or Abused Children

2. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.
- E. School District Cooperation with Designated Law Enforcement Authorities
1. The school district will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.
    - a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the student in the presence of the Principal or other designated school official(s).
      - (1) If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern working in the school district, whom he or she feels will be supportive, and who will be allowed to accompany the student during the interview.
    - b. District administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school district who may have information relevant to the investigation.
    - c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the district will release all records of the student who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.



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Reporting Potentially Missing or Abused Children

- d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the district will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40, and N.J.A.C. 6A:32-7.
  - (1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or designee.
- e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.
  - (1) Such removal shall take place only after the Principal or other designated school official(s) has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.
- f. The district will cooperate in the transfer of a student who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.



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Reporting Potentially Missing or Abused Children

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

Adopted:



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Assaults on District Board of Education

Members or Employees

Jun 14

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[See POLICY ALERT No. 203]

## R 5612 ASSAULTS ON DISTRICT BOARD OF EDUCATION MEMBERS OR EMPLOYEES

### A. Definitions

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

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

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

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





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Members or Employees

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

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

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

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



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

Adopted:



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Removal of Students for Assaults with Weapons

Offenses

Jun 14

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[See POLICY ALERT No. 203]

## 5613 REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES

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

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

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

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

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



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

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

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

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

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

Adopted:



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Jun 14

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[See POLICY ALERT No. 203]

## R 5613 REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES

### A. Definitions

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

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

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

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



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## B. Removal of Students for Assaults with Weapons Offenses

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

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

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



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



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D. Return to General Education Program

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

E. Exception

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

Adopted:





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Mar 16

M

[See POLICY ALERT No. 208]

## 5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

The Board of Education, in accordance with the requirements of N.J.S.A. 18A:40-12.22, must adopt a Policy authorizing parents, guardians, and primary caregivers to administer medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event. The parent of a qualifying student patient requesting the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and Policy and Regulation 5330.01.

A student enrolled in the school district must be authorized to engage in the medical use of marijuana and the primary caregiver, who may be the parent, must be authorized to administer medical marijuana to a qualifying student patient in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The student and the primary caregiver must complete the registration process to obtain a Registry Identification Card from the New Jersey Department of Health in accordance with the requirements of N.J.S.A. 24:6I-4.

The parent of the student authorized to engage in the medical use of marijuana must submit a written request with supporting documentation to the Principal requesting approval to have a primary caregiver assist in the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event. The Principal, in consultation with the school nurse, the school physician, and the Superintendent of Schools, will review each request and upon approval will inform the parent in writing of the approval with details for the administration of medical marijuana to the qualifying student patient. The medical use of marijuana by a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event will only be authorized after the written approval from the Principal is provided to the parent.

Medical marijuana may only be administered to the qualifying student patient while the student is on school grounds, aboard a school bus, or attending a school-sponsored event by the primary caregiver in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. The prescribed medical marijuana must be in the possession of the primary caregiver at all times, except



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during the administration process. The primary caregiver shall comply with the requirements of the Principal's written approval for the administration of medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

All health records related to the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event shall be maintained in accordance with the requirements of N.J.A.C. 6A:16-2.4 and N.J.A.C. 6A:32-7.4.

No person shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for simply being in the presence or vicinity of the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22. No custodial parent, guardian, or person who has legal custody of a qualifying student patient who is a minor shall be subject to arrest or prosecution for constructive possession, conspiracy, or any other offense for assisting the minor in the medical use of marijuana as authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22.

N.J.S.A. 18A:40-12.22  
N.J.S.A. 24:6I-1 et seq.  
N.J.A.C. 6A:16-2.4; 6A:32-7.4

Adopted:



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Mar 16

M

[See POLICY ALERT No. 208]

## R 5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

A custodial parent, guardian, or person having legal custody of a student requesting the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

### A. Definitions

For the purposes of this Policy:

1. "Bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying student patient's debilitating medical condition.
2. "Certification" means a statement signed by a physician with whom a qualifying student patient has a bona fide physician-patient relationship, which attests to the physician's authorization for the patient to apply for registration for the medical use of marijuana.
3. "Marijuana" has the meaning given in Section 2 of the "New Jersey Controlled Dangerous Substances Act," N.J.S.A. 24:21-2.
4. "Medical use of marijuana" means the acquisition, possession, transport, or use of marijuana or paraphernalia by a registered qualifying student patient as authorized by the New Jersey Compassionate Medical Marijuana Act (Act).
5. "Parent" means the custodial parent, guardian, or person who has legal custody of a qualifying student patient who may also be the primary caregiver registered and provided a Registry Identification Card by the New Jersey Department of Health to administer medical marijuana to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-4.



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6. “Physician” means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying student patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a qualifying student patient’s debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying student patient to use medical marijuana or consultation solely for that purpose.
7. “Primary caregiver” or “caregiver” means a resident of the State who:
  - a. Is at least eighteen years old;
  - b. Has agreed to assist with a registered qualifying student patient’s medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying student patient’s physician;
  - c. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;
  - d. Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and
  - e. Has been designated as primary caregiver on the qualifying student patient’s application or renewal for a Registry Identification Card or in other written notification to the Department of Health.
8. “Qualifying student patient” means a resident of the State who is a student enrolled and attending school in this school district who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.



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9. “Qualifying patient” means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.
10. “Registry Identification Card” means a document issued by the Department of Health that identifies a person as a registered qualifying student patient or primary caregiver.

## B. Registration – Qualifying Student Patient and Primary Caregiver

1. A qualifying student patient must be authorized to engage in the medical use of marijuana and the primary caregiver must be authorized to assist the qualifying student patient with the medical use of marijuana pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.
2. A qualifying student patient and their primary caregiver must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the New Jersey Department of Health.
3. The qualifying student patient’s parent shall be responsible to immediately inform the Principal of any change in the status of the student’s Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.
4. The qualifying student patient’s primary caregiver shall be responsible to immediately inform the Principal of any change in the status of any primary caregiver’s Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

## C. Submission for Authorization for Administration of Medical Marijuana

1. A parent of a qualifying student patient requesting the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with a copy of



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a current New Jersey Department of Health Registry Identification Cards for the qualifying student patient and the primary caregiver and a copy of the physician's order or prescription indicating dosage information and the method of administration for the medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

The Principal may request the parent provide additional documentation from the physician that the medical marijuana must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical marijuana cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.

- a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.
2. The Principal shall review the submitted Registry Identification Cards and supporting documentation with the school physician, the school nurse, and the Superintendent of Schools.
3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or primary caregiver, if the parent is not the primary caregiver, in writing with the following information:
  - a. The location (school, office, etc.) where the primary caregiver shall report to administer the medical marijuana;
  - b. The school staff member(s) who the primary caregiver must see to coordinate the administration of medical marijuana;
  - c. The time the primary caregiver shall report to administer the medical marijuana;



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- d. The specific location where the medical marijuana shall be administered to the student; and
  - e. A copy of Policy and Regulation 5330.01 – Administration of Medical Marijuana.
- 4. In the event the Principal, after consultation with the school nurse, school physician, and Superintendent, has a question or concern regarding the Registry Identification Cards or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.
  - 5. The administration of medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.

## D. Administration of Medical Marijuana

- 1. The medical marijuana shall only be administered by the primary caregiver and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.
- 2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical marijuana cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.
- 3. The prescribed medical marijuana must always be in the possession of the primary caregiver and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.
- 4. The Principal, after consultation with the school nurse, school physician, and the Superintendent, will determine a specific location for the administration of the medical marijuana to the qualifying student patient.



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- a. The Principal will designate a private area, if possible, for the primary caregiver to administer the medical marijuana to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.
5. The primary caregiver shall report to the approved location prior to the scheduled time for the administration of medical marijuana to the qualifying student patient. The primary caregiver must show the Registry Identification Card and a second form of identification which shall be a photograph identification.
6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the primary caregiver to the qualifying student patient at the designated time to the designated location for the administration.
7. The Principal may designate a school staff member to observe the administration of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event.
8. The primary caregiver shall assist in the administration of medical marijuana to the qualifying student patient in accordance with the method and dosage prescribed by the physician and included in the parent's request to the Principal.
9. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.
10. The primary caregiver will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.
  - a. The qualifying student patient and/or primary caregiver may be asked to remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.





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11. The primary caregiver shall be responsible for the security of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical marijuana in their possession except during the administration process by the primary caregiver.

Issued:

