

State v. Best 403 N.J Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009). The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted in T.L.O.

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6010

Name: Goals and Objectives
Board Approval Date: August 14, 2017

GOALS AND OBJECTIVES

The board accepts the responsibility for coordinating the available resources of home, school and community in a mutual effort to guide every pupil's growth towards becoming a self-respecting individual who can effectively function politically, economically and socially in a democratic society. In addition, the board believes that by providing diverse and relevant educational choices supported by research-based practices in the use of technology, students will be prepared for successful participation in higher education programs and/or the careers of the 21st century.

The board is dedicated to ensuring that all students in the district are provided with the necessary skills and competencies for achievement of the New Jersey Student Learning Standards.

- A. All children should start school ready to learn.
 - 1. Quality preschool opportunities shall be provided for all children, through collaboration between public schools and community agencies.
 - 2. Parent education programs shall be designed and implemented by the district to assist parents in providing readiness experiences for their preschool children.

- B. The district shall strive to achieve the maximum score during state monitoring (NJQSAC) for high school graduation rate (at least 95 percent).
 - 1. The chief school administrator shall oversee the development of strategies for improving the graduation rate when necessary and appropriate.
 - 2. The district shall educate students with disabilities in the regular education programs to the maximum extent possible;
 - 3. The district shall provide least restrictive, alternative programs for pupils who cannot succeed in the regular high school environment, including those students with disabilities.
 - 4. The district shall provide dropout prevention programs for pupils at risk.

- C. Pupils shall leave grades three through eight and 11 having demonstrated competency in challenging subject matter including English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st Century Life and Career Standards.
 - 1. The school shall implement the state-approved New Jersey Student Learning Standards and appropriate assessment to support student achievement and to evaluate school, district and individual student performance.
 - 2. The district shall provide staff development opportunities to ensure that teachers are adequately equipped to teach challenging and up-to-date subject matter and to implement effective teaching techniques. It shall monitor teaching staff member's progress toward achievement of the required 100 20 clock hours of continuing education annually to ensure that teaching staff members are obtaining and maintaining the skills to help all students achieve the New Jersey Student Learning Standards.

- D. Pupils shall learn to use their minds well, so that they may be prepared for responsible citizenship, further learning, and productive employment in our current and future economies.
 - 1. Students shall be given the opportunity to improve self-direction and self-sufficiency in the areas of critical thinking, problem solving, reasoning, analysis, interpretation, and synthesizing information.

2. Students shall become responsible digital citizens of the global internet community with ethical, safe and responsible habits, actions, and consumption patterns.
3. All pupils shall demonstrate competency in the skills identified in the 21st Century Life and Careers Standards.
4. All pupils shall demonstrate respect for racial, cultural, ethnic and religious diversity.

****Discretionary: Bullet "E" is not required and is added for districts implementing iSTEAM programs***

E. The district shall provide a curriculum that integrates science, technology, engineering, arts and mathematics throughout the educational program to increase student achievement levels and to contribute to our country's ability to compete academically with all other countries of the world in a global economy.

1. The district shall revise its curriculum to integrate science, technology, engineering, arts and mathematics into all areas of the district education programs.
2. The district shall provide staff training opportunities in the teaching strategies for integrating mathematics, technology, engineering, arts and science in the curriculum at grades K-12.

F. The board of education shall maintain an academic environment that is free from harassment and provide equal and bias free access for all students to all school facilities, courses, programs, activities and services, regardless of race, creed, color, national origin, ancestry, age marital status, affectional or sexual orientation, gender identity or expression, religion, disability, nationality or socioeconomic status. The district shall:

1. Provide schools and facilities that are barrier free;
2. Provide effective programs that support a safe and respectful school climate and culture and provide effective prevention of and intervention for incidents of harassment, intimidation and bullying;
3. Ensure that the requirements for the completion of courses are nondiscriminatory;
4. Ensure that courses are not offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, pregnancy, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
5. Ensure that minority, female, and male students are not underrepresented in all classes and programs, including gifted and talented, accelerated, and advanced classes.

G. Every adult shall be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

1. Adult education programs shall be increased in conjunction with other local districts, community colleges and other educational agencies, to provide greater opportunities for adults to continue learning for work skills, leisure pursuits, intellectual and cultural growth and to assist their children in learning.
2. Business and industry shall be encouraged to collaborate with educational agencies to design and increase access to educational programs for adults, such as flex time, distance learning and interactive technology.

H. District schools shall be free of drugs and violence and offer a safe, disciplined environment conducive to learning.

1. The district shall develop partnerships with parents to establish the responsibilities of each to create and maintain safe and healthy educational environments for all pupils.
2. The district shall provide programs and staffing to deal with pupils at risk.
3. The school and community shall expand their cooperative efforts to create drug and violence-free environments.
4. All students shall develop a positive view of self and learn to use effective interpersonal skills.

The board shall develop, in consultation with the chief school administrator and teaching staff members, a written educational plan for the district. This plan shall be reviewed and adopted annually and shall include:

- A. Written educational goals;
- B. An assessment of pupil needs;

- C. Specific annual objectives based on identified needs and action plans to implement them;
- D. Standards for assessing and evaluating the achievement of objectives;
- E. The establishment of reasonable pupil minimum proficiency levels in the areas addressed in the New Jersey Student Learning Standards;
- F. An educational program consistent with these goals, objectives, standards and needs;
- G. Evaluation of pupil progress.

Legal References:

<u>N.J.S.A.</u> 18A:7A-10	NJSAC for evaluating school performance
<u>N.J.S.A.</u> 18A:7C-2	Establishment of standards for graduation from secondary school
<u>N.J.S.A.</u> 18A:7F-43 through -63	<u>School Funding Reform Act of 2008</u>
<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and Courses
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u> See particularly: <u>N.J.A.C.</u> 6A:8-1.2 through -1.3, -2.1, -3.1, -4.1, -4.4	Standards and Assessment
<u>N.J.A.C.</u> 6A:9-15.1 <u>et seq.</u>	Required Professional Development for Teachers
<u>N.J.A.C.</u> 6A:23A-1.1 <u>et seq.</u> See particularly: <u>N.J.A.C.</u> 6A:23A-19.1 <u>et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.</u>	

Corresponds to NJSBA Policy No. 6010

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6112

Name: School Day
Board Approval Date: November 22, 2011

The length of the school day and the length of periods of instruction at various levels shall be recommended by the lead person and set by the board, and shall be in keeping with requirements of the state board of education.

The particular opening and closing hours for levels and/or schools shall also be subject to board approval. These opening and closing times shall be as uniform as possible at comparable levels throughout the school. The length of the school day shall be at least as long for students with disabilities as for nondisabled students.

The lead person shall recommend for board approval the length of class periods and the frequency of instruction in individual subjects.

School administrators shall not dismiss school for any part of the school day without the approval of the lead person.

Legal References:

N.J.S.A. 18A:36-1	School year
N.J.S.A. 18A:36-2	Time when schools are open; determination
N.J.S.A. 18A:36-16	Rules regarding religious holidays
N.J.A.C. 6A:14-4.1(c)	General requirements
N.J.A.C. 6A:32-8.3	School attendance

Corresponds to NJSBA Policy No. 6112

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6114

Name: Emergencies and Disaster Preparedness
Board Approval Date: August 14, 2017

EMERGENCIES AND DISASTER PREPAREDNESS

The chief school administrator shall direct the development of plans, procedures and mechanisms for responding to emergencies and crises in the schools that threaten human life and property. He/she shall consult with law enforcement agencies, health and social services agencies and emergency management planners in developing these plans and shall ensure that they provide for the protection of the health, safety and welfare of the school population as well as supportive services for staff, students and their families.

Plans and procedures shall include these elements:

- A. Cooperation with local government agencies in developing and carrying out a school/community disaster plan that includes procedures for building lockdowns when necessary;
- B. Mechanisms for the orderly evacuation of buildings in case of fire or other emergencies;
- C. Means to provide as much protection as possible for children at school and on their way to and from school;
- D. Training in individual self-protection and survival techniques for pupils and staff;
- E. Communicating specific instructions to pupils and staff so that the school emergency plan may be carried out with the greatest possible speed and safety.

The chief school administrator shall develop and provide an in service training program for school staff to enable them to recognize and appropriately respond to crises, consistent with the district's plans, procedures and mechanisms for managing crises. The in-service program shall be reviewed and updated annually.

School Safety and Security Plan

The board directs the chief school administrator and his or her designees to develop and implement comprehensive plans, procedures, and mechanisms that provide for safety and security in the schools. Written plans and procedures and mechanisms shall, at a minimum, provide for:

- A. The protection of the health, safety, security and welfare of the school population;
- B. The prevention of, intervention in, response to and recovery from emergency and crisis situations;
- C. The establishment and maintenance of a climate of civility; and
- D. Support services for staff, students and their families.

The chief school administrator shall consult with law enforcement agencies, health and social services provider agencies, emergency management planners, and school and other community resources, as appropriate, in the development of the district's plans, procedures, and mechanisms for school safety and security.

The plans, procedures, and mechanisms shall be consistent with the format and content established by the Domestic Security Preparedness Task Force and the Commissioner. The plans, procedures, and mechanisms shall be reviewed annually and updated as appropriate.

The chief school administrator shall disseminate a copy of the school safety and security plan to its employees. In addition:

- A. New employees shall receive a copy of the school safety and security plan, as appropriate, within 60 days of the effective date of their employment;
- B. All employees shall be notified in writing, as appropriate, regarding updates and changes to the school safety and security plan;
- C. All employees shall attend an in-service training program designed to allow all district board of education employees to recognize and appropriately respond to safety and security concerns, including emergencies and crises, in a manner consistent with the district board of education's plans, procedures and mechanisms for school safety and security.

Fire Drills and School Security Drills

Fire drills shall be held at least once each month for all pupils. There shall also be at least one school security drill per month. The chief school administrator may order a modification of the fire drills so that they may take the form of indoor drills or of rapid dismissals with outdoor clothing when low temperatures prevail.

A written statement of procedures and instructions for fire drills and school security drills shall be formulated by the chief school administrator and disseminated to all staff. All staff shall also receive training on school safety and security that includes instruction on school security drills and/or within 60 days of the commencement of that staff member's employment.

Instruction in fire prevention shall be given and emphasized in appropriate courses in the curriculum of the school. A "school security drill" shall be defined as an exercise to respond to an emergency situation such as a non-fire evacuation, lockdown, bomb threat, or active shooter situation that is similar in duration to a fire drill.

Required Drills

- A. The school shall be required to conduct a minimum of two drills per year for each of the following drills:
 - 1. Active shooter
 - 2. Evacuation (non-fire)
 - 3. Bomb threats
 - 4. Lockdowns

Students are not required to participate in two of the eight mandated drills.

- B. Within the first 10 days of the new school year each school in the district shall be required to conduct one fire drill.
- C. Within the first 15 days of the new school year each school in the district shall be required to conduct one school security drill.

Reporting

By June 30th of each year the chief school administrator shall submit to the executive county chief school administrator an annual "Statement of Assurance" report on the forms provided by the Department of Education.

Emergency Closings; Delayed Openings

The chief school administrator is authorized by the board to close the schools, open them late or dismiss them early in hazardous weather or in other extraordinary circumstances which might endanger the health or safety of pupils or school employees.

Each year, parents/guardians, pupils, and staff members shall be informed in advance of how they shall be notified in event of emergency closings. Parents/guardians shall be required to make alternative arrangements for their children in case no one is home to receive a child after an unscheduled early closing.

Legal References:

N.J.S.A. 18A 6-2	Instruction in accident and fire prevention
N.J.S.A. 18A 11-1	General mandatory powers and duties
N.J.S.A. 18A 40-12	Closing schools during epidemic
N.J.S.A. 18A 41-1 et seq	Fire, school security drills
N.J.S.A. 18A 54-20	Powers of board
N.J.A.C. 6A 16-5.1	School safety and security plans
N.J.A.C. 6A 16-6.3	Reporting students or staff members to law enforcement authorities
N.J.A.C. 6A 26-12.2	Policies and procedures for school facility operation

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Corresponds to NJSBA Policy No. 6114

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6121

Name: Non-Discrimination/Affirmative Action
Board Approval Date: November 22, 2011

No student enrolled in the schools shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any educational program or activity of the school on the basis of race, color, creed, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, genetic information, sex, disability or atypical hereditary cellular or blood trait of any individual, or because of liability for service in the armed forces of the United States, nationality, national origin, place of residence in the school, social or economic condition, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test. The affirmative action team as led by the affirmative action officer shall be responsible for planning, implementing and monitoring the school's affirmative action program with respect to school and classroom practices. Reporting to the lead person, the affirmative action team shall review the following areas for compliance with State Department of Education regulations and make suggestions and/or recommendations when necessary.

A. Curriculum content

The team shall examine the following areas to ensure that curricula eliminate discrimination and promote understanding and mutual respect among students, regardless of race, color, creed, religion, gender, affectional or sexual orientation, ancestry, national origin, socioeconomic status or disability:

1. School climate
2. Courses of study
3. Instructional materials
4. Instructional strategies
5. Library materials
6. Technology/Software and audio-visual materials
7. Guidance and counseling
8. Extracurricular programs and activities

The team shall monitor the curriculum to ensure inclusion of instruction on African-American history in the teaching of United States history and inclusion of instruction on the Holocaust and genocide in the curriculum for all elementary and secondary school students.

B. Staff training

The affirmative action officer shall suggest a program of in-service training for school personnel designed to identify and solve problems of bias in all aspects of the school program. An equity in-service program shall be held annually for all staff and for parents and community members as needed to facilitate participation and support.

C. Student access

The team shall review all school facilities, courses, programs, activities and services to ensure that all students are provided equal and bias-free access to them. Particular attention shall be paid to the following:

1. Ensuring equal access and barrier-free to all school and classroom facilities;
2. Assigning students in such a way that the racial/national origin composition of each school's enrollment reflects the composition of the school-wide enrollment at each grade level;

3. Refraining from locating new facilities in areas that will contribute to imbalanced, isolated or racially identifiable school enrollments;
4. Assigning students so that school and classroom enrollments are not identifiable on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status;
5. Ensuring that students are not separated or isolated within schools, courses, classes, programs or extracurricular activities;
6. Ensuring that minority and male students are not overrepresented in detentions, suspensions, dropouts or special needs classifications;
7. Ensuring equal and bias-free access for all students to computers, computer classes and other technologically-advanced instructional assistance;
8. Ensuring that all limited English-proficient students and students with disabilities have equal and bias-free access to all school programs and activities;
9. Ensuring equal and bias-free access for language-minority students and students with disabilities to multiple measures for determining special needs;
10. Ensuring that student support services (such as school-based youth services, health care, tutoring and mentoring) are available to all students, including LEP students;
11. Ensuring that all pregnant students are permitted to remain in the regular school program and activities.

D. School support

The team shall ensure that like aspects of the school program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters and that all grades within the school are comparable in those areas.

The lead person will report to the board annually on continuing compliance.

Legal References:

N.J.S.A. 10:5-1 et seq.	Law Against Discrimination
N.J.S.A. 18A:4A-1 et seq.	New Jersey Commission on Holocaust Education
N.J.S.A. 18A:18A-17	Facilities for handicapped persons
N.J.S.A. 18A:35-1	Course in history of the United States in High School
N.J.S.A. 18A:36-20	Discrimination; prohibition
N.J.A.C. 6A:7-1.1 et seq.	Managing for Equality and Equity in Education
<u>See particularly:</u> N.J.A.C. 6A:7-1.1,-1.4,-1.7,-1.9	
N.J.A.C. 6A:32-12.1	Reporting requirements
N.J.A.C. 6A:32-14.1	Review of mandated programs and services
20 U.S.C.A. 1681 et seq.	Title IX of the Education Amendments of 1972

29 U.S.C.A. 794 et seq.

Section 504 of the Rehabilitation Act, of 1973

20 U.S.C.A. 1401 et seq.

Individuals with Disabilities Education Act (IDEA)

42 U.S.C.A. 12101 et seq.

Americans with Disabilities Act (ADA)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Gebser v. Lago Vista Indep. School Dist., 524 U.S. 274 (1998)

Davis v. Monroe County Bd. of Ed., 526 U.S. 629 (1999)

The Comprehensive Equity Plan, New Jersey State Department of Education

Corresponds to NJSBA Policy No. 6121

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6140

Name: Curriculum Adoption
Board Approval Date: August 14, 2017

CURRICULUM ADOPTION

The board of trustees shall provide a comprehensive instructional program to serve the needs of the children of this district. In furtherance of this goal and pursuant to law, the board shall annually adopt the existing courses of study. Adoption includes both content and credit allocation. The board's policy in this respect is to:

- A. Adopt those courses of study mandated by the state in a form acceptable to the state department of education. Such courses must include the New Jersey Student Learning Standards adopted by the State Board of Education;
- B. Adopt additional courses of study recommended by the teaching staff and administration in a form acceptable to the state department of education and within the financial means of the school;
- C. Adapt and revise existing courses of study to meet the changing needs of pupils and the community.

Existing courses shall be reviewed at regular intervals and revised as necessary. No course of study shall be eliminated, revised or implemented without the approval of the board.

The board directs that the curriculum of this district:

- A. Be consistent with written goals, objectives and identified pupil needs;
- B. Develop individual talents and interests and serve diverse learning styles to motivate pupil achievement;
- C. Provide for continuous learning through effective articulation;
- D. Provide all pupils continuous access to sufficient programs and services of a library/media facility, classroom collection, or both, to support the educational program;
- E. Provide all pupils guidance and counseling to assist in career and academic planning;
- F. Provide a continuum of educational programs and services for pupils with disabilities, pursuant to law and regulation;
- G. Provide bilingual programs for pupils whose dominant language is not English, pursuant to law and regulation;
- H. Provide all pupils equal educational opportunity, pursuant to law and regulation;
- I. Provide instruction in African-American History, including the Amistad, and the history of other cultures taught as part of the history of the United States (N.J.S.A. 18A:35-1);
- J. Provide instruction on the Holocaust and other genocide curricula at all grade levels (N.J.S.A. 18A:35-28);
- K. Provide career awareness and vocational education, pursuant to law and regulation;
- L. Provide educational opportunities for exceptionally gifted and talented pupils.

The chief school administrator shall maintain a current list of all courses of study offered by this district; shall furnish each member of the board of education with a copy upon request; and shall provide a copy in the district office for public perusal.

Adoption of courses shall be by a recorded roll call majority vote of the full membership of the board. This includes the courses in the special education and ESL/bilingual programs, and those for the adult high school.

Legal References:

N.J.S.A. 18A 4-25	Prescribing minimum courses of study for public schools; approval of courses of study
N.J.S.A. 18A 29A-1 et seq	Governor's Annual Teacher Recognition Act
N.J.S.A. 18A 33-1	District to furnish suitable facilities; adoption of courses of study
N.J.S.A. 18A 35-1 et seq.	Curriculum and courses
N.J.S.A. 52 16A-88	Responsibilities, duties of Amistad Commission
N.J.A.C. 6A 8-1.1	Purpose
N.J.A.C. 6A 8-3.1	Curriculum and instruction
N.J.A.C. 6A 8-5.1	Graduation requirements
N.J.A.C. 6A 14-4.1	General requirements
N.J.A.C. 6A 15-1.1 et seq	General requirements
N.J.A.C. 6A 15-1.3	Identification of eligible English language learners
N.J.A.C. 6A 15-1.4	Bilingual programs for English language learners
N.J.A.C. 6A 30-1.1	Purpose and scope

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6141

Name: Curriculum Design/ Development
Board Approval Date: August 14, 2017

CURRICULUM DESIGN/DEVELOPMENT

The chief school administrator shall be responsible to the board for the development of curriculum to meet identified pupil needs. The board shall ensure that curriculum and instruction are content-rich and aligned to the most recent revision of the New Jersey Student Learning Standards (NJSLS). In addition, the board shall ensure that appropriate instructional adaptations are designed and delivered for English language learners, gifted and talented students and students with disabilities. The curriculum shall guide instruction to ensure that every student masters the NJSLS. Instruction shall be designed to engage all students and modified based on student performance. The curriculum shall include:

- A. Interdisciplinary connections throughout;
- B. Integration of 21st century skills;
- C. A pacing guide;
- D. A list of instructional materials, including various levels of text at each grade;
- E. Benchmark assessments; and
- F. Modifications for special education students, for English language learners and for gifted students.

Professional development plans shall support the implementation of the curriculum. Professional development opportunities shall be offered that further the improvement of teachers' understanding of the content and pedagogy related to their teaching assignment. Professional development shall also promote individual and collaborative professional learning with adequate and consistent time for teachers to work together in and across content areas and grade levels to review student work, analyze classroom assessments and other achievement data, critique lesson plans, and solve instructional problems.

The chief school administrator shall establish procedures for curriculum development that ensure the effective participation of teaching staff members; pupils, as appropriate to their age and grade; parents/guardians; the community; members of the board; and the use of all available resources. Care shall be taken that certified staff shall not be assigned to teach material outside the limits of their certification and endorsements.

The chief school administrator shall report to the board the objectives, evaluative criteria and costs of each proposed program before seeking board adoption. New programs and courses of study shall not be acted upon by the board until the meeting following their presentation, in order for board members to have an opportunity to review the proposed program.

Criteria for Curriculum Approval

Criteria by which the board will judge the acceptability of new course offerings include:

- A. Does it address an identified pupil need?
- B. Is it relevant to the board's philosophy and goals and does it offer real possibilities for progress toward these goals?
- C. Does it satisfy the requirements of the board's school and classroom practices prohibiting bias and stereotyping?
- D. If the proposed course replaces an existing program, what defect in the previous program is it designed to overcome?
- E. Does it include measures for determining progress?

- F. Does it address the necessary study skills?
- G. Has it been thoroughly studied and/or tested by district staff or by another district? What were the results?
- H. Has a curriculum guide been completed? If not, when can it be expected?
- I. Have the accompanying textbooks, electronic textbooks and other materials been recommended to the board?
- J. Have the costs and time of implementation been reviewed, including in service training?

A multi-year plan for updating curriculum shall be developed and implemented. The chief school administrator shall report annually on all progress in curriculum development and the implementation of the multi-year curriculum plan at the time of the board's annual adoption of curriculum.

Legal References:

N.J.S.A. 18A:34-1	Textbooks; selection; furnished free with supplies; appropriations
N.J.A.C. 6A:8-3.1 <u>et seq.</u>	Implementation of the New Jersey Student Learning Standards
N.J.A.C. 6A:13-2.1	Standards based instruction
N.J.A.C. 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County, OAL DKT. NOS. EDU 4459-96 and EDU 4981-96 (Consolidated)

The Comprehensive Equity Plan, New Jersey State Department of Education

Corresponds to NJSBA Policy No. 6141

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6142

Name: Subject Fields
Board Approval Date: August 14, 2017

SUBJECT FIELDS

The board of trustees directs that the district school(s) offer a comprehensive curriculum to provide for the intellectual, social and emotional growth of all pupils, pre-k kindergarten through grade 12, giving them the basic body of skills, understandings, attitudes and knowledge needed for living in a democracy.

The board believes this program should focus first on those subjects included in the New Jersey Student Learning Standards and the skills emphasized by the 21st Century Life and Careers Student Learning Standards, in addition to those courses mandated by statute.

The chief school administrator shall direct development of and present to the board for adoption a written curriculum for each element of the instructional program for the district to include:

- A. All courses mandated by New Jersey statute or administrative code;
- B. Such other courses as shall implement the board's intent as expressed in this policy.

The total curriculum, when adopted, shall be adapted to suit the applicable requirements of the administrative code and shall provide basic, advanced, enriched, or technical instruction or experience to meet the identified needs of the pupils of the district.

A listing of all courses and programs comprising the instructional program shall be available in the district office.

Legal References:

N.J.S.A. 18A 34-1	Textbooks; selection; furnished free with supplies; appropriations
N.J.A.C. 6A 8-3.1	Curriculum and instruction
N.J.A.C. 6A 30-1.1	Purpose and scope
N.J.A.C. 6A 32-12.1	Student attendance

Old Bridge Education Association v. Old Bridge Township Bd. of Ed

Comprehensive Equity Plan, New Jersey State Department of Education

Corresponds to NJSBA Policy No. 6142

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6142.4

Name: Physical Education and Health
Board Approval Date: August 14, 2017

PHYSICAL EDUCATION AND HEALTH

The board directs that the district's curricular and extracurricular programs of physical education and activities comply with the district's affirmative action resolution and equity plan for school and classroom practices as stipulated in policies 2224, 5145.4, 6121 and 6145 in this manual. The board shall ensure that the comprehensive health and physical education curriculum addresses all elements required by the New Jersey Student Learning Standards.

General Provisions

In general, physical education classes shall not be divided on the basis of sex. The quality and quantity of teachers, equipment and facilities shall be equivalent among the schools and comparable from level to level, taking into account the needs of the pupils.

Members of district interscholastic athletic teams may be excused from participation in the physical activities part of their physical education program without loss of graduation credit on the request of their coach on any day on which they are designated to participate in a regularly scheduled game. The chief school administrator shall approve procedures by which coaches will inform the physical education department, on the day in question, of the specific pupils to be excused. Such pupils shall be scheduled for a study hall period instead.

The board will consider on a case-by-case basis requests from pupils or their parents/guardians in the case of minors for permission to satisfy the physical education requirement through an alternative program of athletics or physical education activities that meets the requirements of law and is consistent with the district's physical education program goals and instructional objectives.

The district physical education programs and instructional activities shall be equitable. All physical education programs shall be co-educational unless otherwise indicated by law. All high school offerings in physical education shall be examined for balance and equitable facilities and resources.

Suicide Prevention

Students at all grade levels shall receive instruction in suicide prevention as part of the district health and physical education curriculum and consistent with the New Jersey Student Learning Standards for Comprehensive Health and Physical Education.

**Note: Inclusion of Policy on Dating Violence is mandated for grades 7 through 12

Dating Violence

For students in grades 7 through 12, physical education and health curriculum will include the topic of dating violence. "Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

The dating violence education shall include information on the definition of dating violence, recognizing dating violence warning signs, and the characteristics of healthy relationships.

Upon written request to the school principal or the chief school administrator, a parent/legal guardian of a student less than 18 years of age shall be permitted within a reasonable period of time after the request is made, to examine the dating violence education program instruction materials developed by the school district.

The purpose of the dating violence information is to help prevent dating situations from becoming unsafe and to help educate young people on constructive ways to resolve conflicts in personal relationship.

To be consistent with (N.J.S.A. 18A:35-4.23a), The chief school administrator shall ensure that district procedures and curriculum will include:

A. Information that dating violence will not be tolerated;

- B. Dating violence reporting procedures;
- C. Guidelines for responding to at-school incidents of dating violence;
- D. Discipline procedures specific to at-school incidents of dating violence;
- E. Warning signs of dating violence; and
- F. Information on safe, appropriate school, family, peer, and community resources available to address dating violence shall also be included within the curriculum.

****Note:** Inclusion of instruction on CPR and AED is mandated for high school students in grades 9, 10, 11 or 12.

Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillator (AED)

The board of education shall provide instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator to each student during high school (in grades 9, 10, 11 or 12). The instruction shall be provided to each student prior to graduation as part of the district’s implementation of the New Jersey Student Learning Standards in Comprehensive Health and Physical Education. The board may select a no-cost, non-certification instructional program to meet this requirement.

The instruction provided shall:

- A. Be modeled from an instructional program established by the American Heart Association, American Red Cross, or other nationally-recognized association with expertise in instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator; and
- B. Include a hands-on learning component for each participating student.

Legal References:

N.J.S.A. 18A:6-111 et seq.	Instruction in Suicide Prevention
See particularly: N.J.S.A. 18A:6-113	Instruction in suicide prevention in public school curriculum
N.J.S.A. 18A:35-4.19 through –4.22	AIDS Prevention Act of 1999
N.J.S.A. 18A:35-4.23	Domestic violence, child abuse, instructions on those problems
N.J.S.A. 18A:35-4.23a	Dating violence into health education curriculum
N.J.S.A 18A:35-4.28	Instruction in CPR and use of AED for certain students
N.J.S.A. 18A:35-5 through - 9	Maintenance of physical training courses; features
N.J.S.A. 18A:37-33 to 37	Dating violence policy and education
N.J.A.C. 6A:7-1.7	Equality in school and classroom practices
N.J.A.C. 6A:8-3.1	Curriculum and instruction
N.J.A.C. 6A:8-5.1	Graduation requirements
N.J.A.C. 6A:9B-5.16	Athletics Personnel
N.J.A.C. 6A:9B-10.3	Health and physical education

N.J.A.C. 6A:16-2.1 et seq. General Provisions for School Health Services

See particularly: N.J.A.C. 6A:16-2.2

N.J.A.C. 6A:32-9.1 Athletics Procedures

20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

The Comprehensive Equity Plan, New Jersey State Department of Education

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6142.6

Name: Basic Skills
Board Approval Date: November 22, 2011

In order to provide students with the basic tools necessary for achievement of the Core Curriculum Content Standards, the board directs development of strong basic skills courses at all levels of the schools.

The lead person shall work with staff to:

- A. Infuse instruction in basic skills into courses of study at all grade levels and ensure the articulation of those skills from grade to grade; and
- B. Actively seek innovative and remedial programs to ensure that all students acquire the basic skills suited to their grade level and capacity.

The school shall administer state tests as required by law and code and may administer standardized tests as appropriate to determine student achievement levels in basic skills. A child shall participate in a remedial education program as long as he/she does not meet minimum proficiency levels.

Legal References:

N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures

N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment

See particularly: N.J.A.C. 6A:8-3.1, -4.1

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988, (Pub. L. No. 100-297) amending Elementary and Secondary Education Act of 1965.

Corresponds to NJSBA Policy No. 6142.6

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6142.10

Name: Internet Safety and Technology
Board Approval Date: August 14, 2017

INTERNET SAFETY AND TECHNOLOGY

The board shall develop a technology plan that effectively uses electronic communication to advance and promote learning and teaching. This system of technology shall be used to provide local, statewide, national and global communications opportunities for staff and students. Educational technology shall be infused into the district curriculum to maximize student achievement of the New Jersey Student Learning Standards.

It is the policy of the district to establish safe and effective methods for student and staff users of the district's technological resources and to:

- A. Prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- B. Prevent unauthorized access and other unlawful online activity;
- C. Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- D. Comply with the Children's Internet Protection Act (CIPA).

The district shall ensure equal and bias-free access for all students to computers, computer classes, career and technical education programs, and technologically-advanced instructional assistance, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional/sexual orientation, gender, religion, disability, English proficiency, immigration status, housing status or socioeconomic status.

COMPLIANCE WITH CIPA

Filters Blocking Access to Inappropriate Material

To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information.

Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical, steps shall be taken to promote the safety and security of users of the school district online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes:

- A. Unauthorized access, including so-called "hacking," and other unlawful activities; and
- B. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

It shall be the responsibility of all members of the school district staff to educate, supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and the Children's Internet Protection Act. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the chief school administrator or his or her designee.

The chief school administrator or his or her designee shall ensure that students and staff who use the school internet facilities receive appropriate training including the following:

- A. The district established standards for the acceptable use of the internet;
- B. Internet safety rules;
- C. Rules for limited supervised access to and appropriate behavioral expectations for use of online resources, social network websites, and chat rooms;

D. Cyber bullying (board policy 5131.1 Harassment, Intimidation and Bullying) awareness and response.

Student use of the Internet shall be supervised by qualified staff.

Policy Development

The district Internet Safety and Technology policy shall be adopted and revised through a procedure that includes reasonable public notice and at least one public hearing.

ACCEPTABLE USE OF THE INTERNET

Purpose

To support its commitment to providing avenues of access to the universe of information available, the district's system of electronic communication shall include access to the Internet for students and staff.

Limitation of Liability

The Internet constitutes an unregulated collection of resources that changes constantly, so it is not possible to totally predict or control the resources that users may locate. The board cannot guarantee the accuracy of the information or the appropriateness of materials that a user may encounter. Furthermore, the board shall not be responsible for any damage users may suffer, including but not limited to, loss of data or interruptions of service. Nor shall the board be responsible for financial obligations arising through the unauthorized use of the system.

District Rights and Responsibilities

The computer system is the property of the district, and all computer software and hardware belong to it. Therefore, the district retains the right to monitor all access to and use of the Internet.

The board designates the chief school administrator as the coordinator of the district system. He/she shall recommend to the board of education qualified staff persons to ensure provision of individual and class accounts necessary for access to the Internet, designation of quotas for disk usage on the system, establishment of a document retention schedule, establishment of a virus protection process and coordination of other activities as required to maintain the system.

The chief school administrator or his or her designee shall approve all activities in the school; ensure that teachers receive proper training in the use of the system; ensure that students are adequately supervised when using the system; maintain executed user agreements; and interpret this acceptable use policy.

Access to the System

This acceptable use policy shall govern all use of the system. Sanctions for student misuse of the system shall be included in the disciplinary code for students, as set out in regulations for policy 5131 Conduct/Discipline. Employee misuse may result in appropriate discipline in accord with the collective bargaining agreement and applicable laws and regulations.

The board shall ensure the acquisition and installation of blocking/filtering software to deny access to certain areas of the Internet.

World Wide Web

All students and employees of the board shall have access to the Web through the district's networked or standalone computers. An agreement shall be required. To deny a child access, parents/guardians must notify the building principal or the chief school administrator in writing.

Policy Development

The district Internet Safety and Technology policy shall be adopted and revised through a procedure that includes reasonable public notice and at least one public hearing.

Classroom E-mail Accounts

Students in grades K-8 shall be granted e-mail access through classroom accounts only. To deny a child access to a classroom account, parents/guardians must notify the building principal or the chief school administrator in writing.

Individual E-mail Accounts for Students

Students in grades K-8 may have individual accounts at the request of teachers and with the consent of parents/guardians. An individual account for any such student shall require an agreement signed by the student and his/her parent/guardian.

Students in grades 9-12 may be granted individual e-mail accounts and dial-up access to the system. An agreement shall be required for an individual e-mail account and must be signed by the student and his/her parent/guardian.

Individual E-mail Accounts for District Employees

District employees shall be provided with email access. Access to the system will be provided for staff members who have signed the acceptable use policy agreement. Email will be monitored and archived for three years. Employee email is discoverable and will be released if subpoenaed within the archival period set forth in this policy.

District Web Site

The board authorizes the chief school administrator to establish and maintain a district web site. The purpose of the web site will be to inform the district educational community of district programs, policies and practices.

Parental Notification and Responsibility

The chief school administrator shall ensure that parents/guardians are notified about the district network and the rules governing its use. Parents/guardians shall sign an agreement to allow their child(ren) to have an individual account. Parents/guardians who do not wish their child(ren) to have access to the Internet must notify the principal or the chief school administrator in writing.

Student Safety Practices

Students shall not post personal contact information about themselves or others. Nor shall students engage in any kind of personal contact with individuals they meet online. Attempts at contact from such individuals shall be reported immediately to the staff person monitoring that child's access to the Internet. Personal contact information includes but is not limited to names, home/school/work addresses, telephone numbers, or personal photographs.

Prohibited Activities

Users shall not attempt to gain unauthorized access (hacking) to the district system or to any other computer system through the district system, nor shall they go beyond their authorized access. This includes attempting to log in through another individual's account or accessing another's files.

Users shall not deliberately attempt to disrupt the district's computer system performance or destroy data by spreading computer viruses, worms, "Trojan Horses," trap door program codes or any similar product that can damage computer systems, firewalls, servers or network systems.

Users shall not use the district system to engage in illegal activities.

Users shall not access material that is profane or obscene, that advocates illegal acts, or that advocates violence or hate. Inadvertent access to such material should be reported immediately to the supervising staff person.

Users shall not plagiarize material that is available on the Internet. Plagiarism is presenting another's ideas/words as one's own.

Users shall not infringe on copyrighted material and shall follow all dictates of copyright law and the applicable policies of this district.

Prohibited Language

Prohibited language applies to public messages, private messages, and material posted on web pages.

Users shall not send or receive messages that contain obscene, profane, lewd, vulgar, rude, inflammatory, or threatening language.

Users shall not use the system to spread messages that can reasonably be interpreted as harassing, discriminatory or defamatory.

System Security

Users are responsible for their accounts and should take all reasonable precautions to prevent unauthorized access to them. In no case should a user provide his/her password to another individual.

Users shall immediately notify the supervising staff person or data processing department if they detect a possible security problem. Users shall not access the system solely for the purpose of searching for security problems.

Users shall not install or download software or other applications without permission of the supervising staff person.

Users shall follow all district virus protection procedures when installing or downloading approved software.

System Limits

Users shall access the system only for educational, professional or career development activities. This applies to discussion group mail lists, instant message services and participation in Internet "chat room" conversations.

Users shall check e-mail frequently and delete messages promptly.

Privacy Rights

Users shall respect the privacy of messages that they receive and refrain from re-posting messages without the approval of the sender.

Users shall not publish private information about another individual.

School Furnished Electronic Devices

The district may furnish students electronic devices such as laptop computers, tablets, notebooks, cellular telephones, or other electronic devices. When a student is furnished with an electronic device the district shall provide the student with written or electronic notification that the electronic device may record or collect information on the student's activity or the student's use of the device if the electronic device is equipped with a camera, global positioning system, or other feature capable of recording or collecting information on the student's activity or use of the device. The notification shall also include a statement that the district shall not use any of the capabilities in a manner that would violate the privacy rights of the student or any individual residing with the student. The parent or guardian of the student furnished an electronic device shall acknowledge receipt of the notification. The district shall retain the acknowledgement as long as the student retains the use of the electronic device.

Failure to provide the required notification shall be subject to a fine of \$250 per student, per incident. If imposed, the fine shall be remitted to the Department of Education, and shall be deposited in a fund that shall be used to provide laptop or other portable computer equipment to at-risk pupils.

Implementation

The chief school administrator may prepare regulations to implement this policy.

Legal References:

N.J.S.A. 2A:38A-1 et seq.	Actions for computer related offenses
N.J.S.A. 2C:20-2	Computer criminal activity; degree of crime; sentencing
N.J.S.A. 18A:7A-10 et seq.	New Jersey Quality Single Accountability Continuum for evaluating school performance
N.J.S.A. 18A:36-35	School Internet websites; disclosure of certain student information prohibited
N.J.S.A. 18A:36-39	Notification by school to certain persons using certain electronic devices; fine
N.J.A.C. 6A:30-1.1 et seq.	Evaluation of the Performance of School Districts
17 U.S.C. 101	United States Copyright Law
47 CFR 54.503(d)	Competitive Bidding; Gift Restrictions
47 U.S.C. 254(h)	Children's Internet Protection Act

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

O'Connor v. Ortega, 480 U.S. 709 (1987)

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

Corresponds to NJSBA Policy No. 6142.10

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6142.12

Name: Career Education
Board Approval Date: November 22, 2011

The board of trustees believes that constructive attitudes and concepts involving the dignity of all kinds of work belong in the curriculum from the beginning grades. Therefore, in fulfillment of the Core Curriculum Content Standards, the board shall develop and implement a comprehensive guidance and counseling system that facilitates career awareness and exploration for all students. The board shall ensure that educational programs shall continuously expose students to the nature of the wide variety of careers available. The cross-content workplace readiness standards shall be infused into the curriculum throughout the grades in age appropriate activities. When any hands-on experience requires use of power tools, etc., all eye protection and other appropriate safety regulations shall be observed.

Career Education and Counseling

The board shall develop and implement a comprehensive guidance and academic counseling program for all students to facilitate career awareness, exploration, and preparation. This program shall:

- A. Be linked to the Core Curriculum Content Standards;
- B. Be infused throughout the K-12 curriculum;
- C. Be supported by professional development programs;
- D. Take into consideration the academic, career and personal/social development of the student; and
- E. Ensure that students with disabilities (age 14 or younger), if determined appropriate by IEP, have career and academic counseling coordinated with transitional services in accordance with N.J.A.C. 6A:14-3.7.

The board shall develop and implement curriculum and instructional methods that:

- A. Are integrated with technological literacy;
- B. Provide all students with an understanding of the career application of knowledge and skills learned in the classroom; and
- C. Provide all students with the opportunity to apply knowledge and skills learned in the classroom to real or simulated career challenges.

The board will develop and implement for all students a system of career development activities that:

- A. Offers the opportunity to explore career interests within, but not limited to, arts and humanities; business and information systems; mathematics, science and technology; and health and human services;
- B. Addresses school resources, community needs and student interest;
- C. Allows the board to select an appropriate delivery format that may include an integrated curriculum based on the Core Curriculum Content Standards or specialized programs that reflect the needs of students and the community; and
- D. Instills the concept of the need for continuous learning throughout one's life.

The board shall offer all high school students the opportunity to explore career interests by participation in structured learning experiences that are linked to the Core Curriculum Content Standards. The structured learning experiences shall:

- A. Have identifiable educational goals which support the CCCS particularly in the areas of career education; consumer, family and life skills; and technological literacy;
- B. Provide that students are supervised by school personnel in accordance with the requirements identified in the Professional Licensure and Standards rules at N.J.A.C. 6A:9-13.19 through 13.22.
- C. Be conducted at sites registered with the Department of Education via the work Registration System.

Career-Technical Education Programs

For purposes of this policy, "career-technical education" means an organized educational program that offers a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers in current or emerging employment sectors. It includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of individuals. To ensure that all students have access to career-technical instruction the board shall:

- A. Guarantee all students the right to apply and, if accepted, attend a county vocational school. The sending district shall be
- B. responsible for the tuition and transportation cost;
- C. Permit students to enroll in programs of career instruction outside the residence district as long as the resident district agrees to pay tuition and transportation costs, does not offer an identical type of program; and the program of career instruction has space available;
- D. Provide that students shall be admitted for enrollment in classes and provided instruction on the basis of their potential for achieving the occupational or other objectives of such instruction; and
- E. Allow county vocational schools and their designated representatives, reasonable opportunity, during school hours, to present information about the county vocational schools' programs to students in local districts in grades six through 12.

Career-Technical Instruction

Career-technical instruction shall be designed to prepare individuals:

- A. For life skills and paid employment as skilled workers or technicians or paraprofessionals in recognized occupations and in new or emerging occupation;
- B. For enrollment in advanced or highly skilled career-technical education programs;
- C. For making informed and meaningful occupational choices; and
- D. To achieve and combination of the above objectives.

The district board of education or institution of higher education responsible for career technical education shall:

- A. Employ and supervise teachers;
- B. Determine whether students qualify for admission to classes;
- C. Determine the content and organization of courses and curricula;
- D. Provide career-technical education for students with disabilities in accordance with the student's individual education plan;
- E. Include special education programs and services designed to enable academically or economically limited students or students with disabilities to achieve the career-technical education programs' objectives;
- F. Provide academically or economically limited students or students with disabilities, who cannot benefit from regular career-technical education programs, special programs of career instruction that include special instructional devices and techniques and supplementary services as are necessary to enable those students to achieve their career objectives;
- G. Work in coordination with the State Board of Education and in cooperation with local private agencies, organization and institutions having responsibility for the education of academically or economically limited students or students with disabilities to plan, develop, establish and administer career-technical education programs and services; and
- H. Ensure soundness and quality of career-technical instruction by the application of the content standards required by law according to N.J.A.C. 6A:19-6.8.

The lead person shall seek and use all available state, federal and private sources of revenue for the financial support of career-technical education in the school. The lead person will develop regulations by which the career-technical education program shall be annually evaluated. This evaluation shall consist of the following as defined in N.J.A.C. 6A:19-2.6:

- A. An analysis of the achievement of academic competencies of program concentrators and completers;
- B. An analysis of the achievement of technical competencies of program concentrators;
- C. An analysis of program completion;
- D. An analysis of gender equity and student participation in programs leading to nontraditional training and employment;
- E. An analysis of placement status of program completers; and

- F. A plan to improve each of the program elements if they fall below the specified program performance indicators.

All students participating in career-technical education programs supervised by this board or in shared-time programs are considered to be regularly enrolled in the schools of this charter, and subject to the policies and rules of this board, including rules regarding attendance for those periods when they are not assigned to outside work projects or other classes.

Legal References:

N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:38-36	Employment certificates to part-time students
N.J.S.A. 18A:40-12.1, -12.2	Protective eye devices required for teachers, students and visitors in certain cases
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.S.A. 18A:54E-1 through -5	Business and school partnerships
N.J.A.C. 6A:7-1.7	Equality in school and classroom practices
N.J.A.C. 6A:8-2.2	Authority for the state plan for vocational Education
N.J.A.C. 6A:8-3.2	Career education and counseling
N.J.A.C. 6A:8-5.1	Graduation requirements
N.J.A.C. 6A:9-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:9-11.2, -13.19 through -13.22	Professional Licensure and Standards
N.J.A.C. 6A:19-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:19-1.2, -2.6, -3.1, -5.1, -6.1, -6.7, -6.8, -10.2	Career – Technical Education Programs and Standards
N.J.A.C. 6A:23-3.3 vocational schools	Method of determining tuition rates for county
N.J.A.C. 6A:26-12.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:26-12.2, -12.5	Operation and Maintenance of Facilities
N.J.A.C. 6A:32-12.1	Reporting requirements
N.J.A.C. 6A:32-14.1	Review of mandated programs and services
New Jersey Cross-Content Workplace Readiness Curriculum Framework: A Road Map for Learning, NJDOE, http://www.nj.gov/education/frameworks/ccwr/ Appendix B	

Corresponds to NJSBA Policy No. 6142.12

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6145

Name: Extracurricular Activities
Board Approval Date: August 17, 2017

EXTRACURRICULAR ACTIVITIES

The board believes that the educational goals and objectives of the district are best achieved by a diversity of learning experiences, some of which are more appropriately conducted outside the regular classroom program.

The purpose of extracurricular activities shall be:

- A. To develop useful new capabilities in pupils that can lead to extension of career opportunities;
- B. To develop pupil initiative and provide for the exercise of responsibility;
- C. To develop leadership capabilities and good organizational skills;
- D. To aid pupils in the social skills;
- E. To enable pupils to explore a wider range of individual interests than might be available in the regular program.

For purposes of this policy, "extracurricular activities" shall be those activities that are sponsored or approved by the board but are not offered for credit toward graduation. Such activities shall generally be conducted outside the regular school day, available to pupils who voluntarily elect to participate, marked by pupil participation in the processes of initiation, planning, organizing and execution and shall ordinarily include band, clubs, dramatic or musical presentations, and intramural and interscholastic sports.

Equal access to school facilities shall be granted to all activities that meet this definition.

The chief school administrator shall prepare procedures to implement an extracurricular program which shall:

- A. Assess the needs and interests of the pupils of this district;
- B. Ensure the provision of competent guidance and supervision by staff;
- C. Guard against the exploitation of pupils;
- D. Provide for a variety of experiences and a diversity of organizational models;
- E. Provide for the continuing evaluation of the extracurricular program and staff;
- F. Ensure that all extracurricular activities are open to all eligible pupils and that all pupils are fully informed of the opportunities open to them.

The guidance goal for each pupil shall be a balanced program of appropriate academic studies and activities to be determined by the school, the parents/guardians and the pupil. Guidance is necessary to encourage nonparticipants, and to prevent the over enthusiastic from emphasizing activities at the cost of their academic performance.

Only persons in the employ of a board of trustees shall be permitted to organize pupils during school time or during any recess in the school day for purposes of instruction or coaching or for conducting games, events, or contests in physical education or athletics.

No activity shall be considered to be under the sponsorship of this board unless it has been approved by the board on recommendation of the chief school administrator. Fund-raising activities of extracurricular groups must be approved by the board.

All pupils in good disciplinary and academic standing shall have equal access to all extracurricular activities regardless of race, creed, color, national origin, ancestry, age, marital status, familial status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, nationality, pregnancy, or socioeconomic status.

Good Disciplinary Standing

Good disciplinary standing shall mean that a pupil is not eligible to participate while serving a detention or suspension. Pupils who serve more than five (5) detentions, suspensions or a combination of the two during one term may be found not eligible to participate the following term.

- A. When a pupil already participating in an extracurricular activity is reported for an infraction of the rules for pupil conduct, the principal or the chief school administrator shall appoint a staff committee to consider whether the pupil shall be removed from any or all extracurricular activities.
- B. If a pupil was in bad disciplinary standing the previous term, the principal or the chief school administrator shall refer the matter to a staff committee to determine whether the pupil shall be permitted to participate during the current term.

Good Academic Standing

Good academic standing at the beginning of the school year for all grades means successful completion of the previous year's requirements, with no failures.

Continuing good academic standing requires maintenance of passing grades in all subjects during the current year.

A pupil who begins the year not in good academic standing, who maintains a passing grade in every subject and a minimum grade point average of 2.0 GPA, may request consideration to participate in extracurricular activities at the beginning of the second semester.

Attendance

The district's attendance policy shall also apply.

Implementation

The chief school administrator shall direct development of detailed regulations to ensure equitable implementation of this policy. Particular care shall be taken to ensure that all extra-curricular programs and their operation comply with district equity requirements. Participation in academically related coaching or tutoring groups may be exempt from the eligibility requirement at the chief school administrator's discretion.

Legal References:

N.J.S.A. 10:5-1 et seq.	Law Against Discrimination
N.J.S.A. 18A:11-3	Voluntary associations regulating conduct of Student activities; membership; rules and regulations; appeals
N.J.S.A. 18A:19-14	Funds derived from student activities
N.J.S.A. 18A:35-20	Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs
N.J.S.A. 18A:42-5, -6	Certain student organizations declared harmful ...
N.J.S.A. 34:13A-1 et seq.	New Jersey Employer-Employee Relations Act

N.J.A.C. 6A:7-1.1 et seq.	Managing for Equality and Equity in Education
N.J.A.C. 6A:8-3.2	Career education and counseling
N.J.A.C. 6A:9B-5.1	Athletics personnel
N.J.A.C. 6A:16-2.2	Required health services
N.J.A.C. 6A:32-9.1 et seq.	Athletics Procedures
20 U.S.C.A. 4071-4074	Equal Access Act
20 U.S.C.A. 1681 et seq.	Title IX of the Education Amendments of 1972

Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31 (App. Div. 1994) cert. den. 140 N.J. 277 (1994)

Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

NJSIAA Constitution, Bylaws, Rules and Regulations

The Comprehensive Equity Plan

Corresponds to NJSBA Policy No. 6145

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6145.1/6145.2

Name: Intramural and Interscholastic Competition
Board Approval Date: August 14, 2017

INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION

The board considers all competitive extracurricular activities academic, artistic and athletic an integral part of the total educational program. Competitive activities shall be under the same administration and control as the rest of the school program and closely articulated with it.

Competitive activities and artistic expression can provide pupils with valuable experiences and opportunities. In this district, the emphasis in any competition or artistic expression shall be on inclusion in such experiences and opportunities rather than on producing winning teams or providing entertainment. Practice for or performance in any competitive event shall not interfere with the regular educational program.

The board shall approve all proposed interscholastic competitions, either via schedule or as a discrete event, whichever is appropriate. The board must approve membership in any leagues, associations and conferences, and any agreements with other schools for a series of games or events. Contests of any kind between and among the schools of the district shall be approved by the chief school administrator.

The board shall appoint coaches, advisors, physicians and other necessary supervisory personnel upon recommendation of the chief school administrator. The chief school administrator shall also ensure that training programs/regulations are developed for all extracurricular athletic activities and that all physical facilities involved in any competition in which district schools take part shall be adequate, safe and sanitary.

Public recognition shall be given to participants in academic or artistic competitions in the same measure as to athletic competitors. The district's affirmative action resolution and plan for equity in school and classroom practices shall apply to determining eligibility for competition, approval of each competitive activity in which pupils officially represent the district, and district expenditure to provide facilities and coaches.

Parental Consent

No pupil may participate in a school-sponsored physical or artistic activity outside the general education curriculum without a signed consent form from a parent/guardian naming the activity and acknowledging that the activity may be hazardous.

Academic Eligibility

Academic standards for eligibility shall be those established by policy 6145 Extracurricular Activities.

Attendance Standards

Attendance standards shall be those set in policy 5113 Absences and Excuses. In particular, a pupil shall not participate in a performance, exhibition, practice or athletic event unless he/she has been present in school that day or has been absent for an excused reason other than for sickness.

Disciplinary Standards

Disciplinary standards are based on board policies 5114 Suspension and Expulsion and 5131 Conduct/ Discipline. Pupils on disciplinary probation or serving a detention or suspension may not practice, perform or compete. The chief school administrator and the building principal or the chief school administrator shall decide at the end of a probation or suspension whether the pupil may return to practice and competition.

Special Education Students

To participate in interscholastic competition, special education students must meet the same requirements listed above and the physical eligibility requirements. Reasonable modifications must be provided to each qualified student seeking to participate in an extracurricular activity. However, a modification may be denied if, based on an individualized assessment, the modification presents an objective health or

safety risk to the student or to others, or where the modification would result in a fundamental alteration to the nature of the program. A fundamental alteration is a modification that provides an objective advantage or disadvantage or requires a change in the rules of competition.

Equality and Equity in Athletic Programs

The district athletic programs shall be operated equitably with regard to the male and female teams including:

- A. Relatively equal numbers of varsity and sub-varsity teams for male and female students;
- B. Equitable scheduling of night games, practice times, locations and number of games for male and female teams;
- C. Equitable treatment that includes staff salaries, purchase and maintenance of equipment and supplies;
- D. Comparable facilities for male and female teams.

Physical Eligibility

All pupils in grades six through 12 participating in intramural or interscholastic athletics must be given a medical examination within 365 days prior to the first practice session, with a health history update if the examination was completed more than 60 days prior to the first practice session of the first sport participated in. The medical examination shall be given at the student's medical home, as defined in file code 5141.3 Health Examinations and Immunizations. If a student does not have a medical home, the school physician shall conduct the medical examination. Examinations shall be made available throughout the school year consistent with the district athletic schedule. The examination shall be documented on the form approved by the commissioner of education and include, as a minimum, the components listed in the administrative code. In the event a private physician is used, the medical examination shall not be at the expense of the board of education.

The parents/guardians shall be sent written notification signed by the examining physician testifying to the pupil's physical fitness to participate in athletics. The reason for the physician's disapproval of the pupil's participation shall be included in the notification. The health findings of the medical examination for participation in athletics shall be made part of the general health examination record.

The chief school administrator shall present to the board for adoption procedures for administration of the required medical examination. The procedures for the medical examination to determine the fitness of a pupil to participate in athletics shall include a form for a medical history to be filled out and returned by a parent/guardian and a form to be filled out by the examining physician.

The medical examination to determine the fitness of a pupil to participate in athletics shall include, as a minimum, the following:

- A. A medical history questionnaire, completed by the parent/guardian of the pupil, to determine if the pupil:
 - 1. Has been medically advised not to participate in any sport, and the reason for such advice;
 - 2. Is under a physician's care and the reasons for such care;
 - 3. Has experienced loss of consciousness after an injury;
 - 4. Has experienced a fracture or dislocation;
 - 5. Has undergone any surgery;
 - 6. Takes any medication on a regular basis, the names of such medication and the reasons for such medication;
 - 7. Has allergies including hives, asthma and reaction to bee stings;
 - 8. Has experienced frequent chest pains or palpitations;
 - 9. Has a recent history of fatigue and undue tiredness;
 - 10. Has a history of fainting with exercise;
 - 11. Has a history of family members dying suddenly.
- B. A physical examination which shall include, as a minimum, no less than:
 - 1. Measurement of weight, height, and blood pressure;

2. Examination of the skin to determine the presence of infection, scars of previous surgery or trauma, jaundice, and purpura;
3. Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
4. Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
5. Examination of the nose to assess the presence of deformity which may affect endurance;
6. Assessment of the neck to determine range of motion and the presence of pain associated with such motion;
7. Examination of chest contour;
8. Auscultation and percussion of the lungs;
9. Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
10. Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;
11. Assessment of the back to determine range of motion and abnormal curvature of the spine;
12. Examination of extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
13. Examination of the testes to determine the presence and descent of both testes, abnormal masses or configurations, or hernia;
14. Assessment of physiological maturation;
15. Neurological examination to assess balance and coordination and the presence of abnormal reflexes.

Insurance

The board will cover each participant in an extracurricular activity with insurance coverage in consultation with the current insurance carrier.

Parents/guardians shall be strongly encouraged to participate in the supplemental pupil accident insurance program offered by the board.

Pamphlet on Sudden Cardiac Arrest

Once each school year, the chief school administrator or designee shall distribute to parents/guardians of students participating in school sports, the New Jersey Department of Education's pamphlet on sudden cardiac death. The pamphlet includes a description of early warning signs and privately available screening options.

Good Sportsmanship

The board believes that instilling habits of good sportsmanship should be one of the primary goals of athletic endeavors and that all district employees should model good behaviors in this area.

It is especially important that the athletic director and coaches accept the responsibility for encouraging young athletes to handle themselves in a sportsmanlike way and be models of self-control and dignity for players and spectators. Coaches shall include discussions on courtesy and sportsmanlike behavior as part of pre-game activities. Student fans shall be reminded that their conduct reflects on the schools of this district and that poor sportsmanship will be disciplined.

Parents/guardians and other adult spectators shall also be encouraged to act as models for young people by demonstrating self-control and dignity at all athletic events.

Unsportsmanlike behavior as exhibited through verbal abuse, rude gestures, taunts, obscenities, thrown objects, etc., shall not be tolerated in students, staff or any persons in attendance at district athletic competitions. Discipline may include, but not be limited to, eviction from the competition and prevention from attending further competitions.

The chief school administrator shall prepare regulations on good sportsmanship and ensure their dissemination to students, parents/guardians and the community.

Legal References:

N.J.S.A. 5:17-1 et seq.

Athletic code of conduct permitted; "youth sports event" defined...

N.J.S.A. 18A:11-3	Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
N.J.S.A. 18A:26-2.1 et al.	Supervisory certificate required for appointment as director of athletics
N.J.S.A. 18A:36-20	Discrimination; prohibition
N.J.S.A. 18A:40A-1 et seq. See particularly: N.J.S.A. 18A:40A-9, -10, -11	Substance abuse
N.J.S.A. 18A:42-2	School orchestra not to compete with civilian musicians; exceptions
N.J.S.A. 18A:43-1	Accident insurance for students authorized
N.J.A.C. 6A:7-1.4	Responsibilities of the district board of education
N.J.A.C. 6A:7-1.7	Equality in school and classroom practices
N.J.A.C. 6A:9B-5.16	Athletics personnel
N.J.A.C. 6A:9B-5.15	Persons employed to coach or serve as coach for swimming and/or diving program
N.J.A.C. 6A:16-1.4(a)6	District policies and procedures
N.J.A.C. 6A:16-2.1 et seq. See particularly: N.J.A.C. 6A:16-2.2	General Provisions for School Health Services
N.J.A.C. 6A:32-9.1 et seq. See particularly: N.J.A.C. 6A:32-9.1(c), -9.1(d), -9.1(f)	Athletic Procedures
N.J.A.C. 6A:32-14.1	Review of mandated programs and services
20 U.S.C.A. 1681 et seq.	Title IX of the Education Amendments of 1972
29 U.S.C.A. 794 et seq.	Section 504 of the Rehabilitation Act of 1973

Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31 (App. Div.1994) cert. den. 140 N.J. 277 (1994)

NJSIAA Constitution, Bylaws, Rules and Regulations

The Comprehensive Equity Plan, New Jersey State Department of Education

Corresponds to NJSBA 6145.1/6145.2

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6146.2

Name: Promotion/Retention
Board Approval Date: November 22, 2011

The board recognizes that personal, social, physical and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

The lead person shall direct development of and the board shall adopt detailed regulations to govern progress of students through levels K-12. The regulations shall include:

- A. Standards of proficiency related to school goals and objectives;
- B. Standards of attendance, and provision for review of mastery;
- C. Timely efforts to help all students achieve acceptable levels of proficiency;
- D. Timely notification of parents/guardians when there is a possibility of failure and immediate consultation with the parent/guardian if the student progress is not sufficient to meet promotion and remediation standards;
- E. Procedures for parents/guardians and adult students to appeal promotion/retention decisions;
- F. Procedures for involving parents/guardians in the design of the remedial program.

Parents/guardians will be notified whenever exceptions are contemplated in a student's normal progression from level to level. The final decision in all cases will rest with school authorities.

Legal References:

N.J.S.A. 18A:4-24	Determining efficiency of schools; report to state board
N.J.S.A. 18A:7C-2	Boards of education; establishment of standards
N.J.S.A. 18A:35-4.9	Student promotion and remediation; policies and procedures
N.J.A.C. 6A:8-4.1	Statewide assessment system
N.J.A.C. 6A:8-4.2	Documentation of student achievement
N.J.A.C. 6A:8-5.1	Graduation requirements
N.J.A.C. 6A:32-14.1	Review of mandated programs and services

Wheatley v. Board of Education of City of Burlington, 1974 S.L.D. 851

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Corresponds to NJSBA Policy No. 6146.2

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6147

Name: Standards of Proficiency
Board Approval Date: November 22, 2011

The lead person, in consultation with teaching staff, shall develop criteria for evaluation, indicators of achievement of the criteria, and acceptable standards of achievement for all grade levels, courses and programs offered by the school. The criteria, indicators and standards must be related to school goals and objectives. Parents/guardians shall be informed in a timely manner whenever their child appears in danger of failing to meet required proficiency levels. Parents/guardians shall be strongly encouraged to participate in designing remedial plans for their children.

These standards of proficiency shall include but not be limited to the Core Curriculum Content Standards identified by the State Department of Education and shall form the basis for the school's grading system. The specific indicators of achievement and standards of proficiency developed for all courses and programs accepted for credit toward graduation shall be given to students and parents/guardians, in writing, at the time the student registers for the course.

By the date required by law, the lead person shall annually report to the board and the community at a regularly scheduled meeting an evaluation of student achievement toward meeting school goals and objectives.

Low student achievement shall be regarded by the board as an indication that revisions are needed in educational programming, general strategy, staff resource use, staff evaluation, and/or other aspects of the learning program.

Legal References:

N.J.S.A. 18A:7C-2	Boards of education; establishment of standards
N.J.S.A. 18A:7E-2 through -5	School report card program
N.J.S.A. 18A:7F-4	Periodic review of core curriculum content standard by state board; establishment of thoroughness and efficiency standards and cost per student
N.J.S.A. 18A:7F-29	Academic achievement reward program
N.J.S.A. 18A:35-4.9	Student promotion and remediation; policies and procedures
N.J.A.C. 6A:8-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:8-1.1, -1.3,-2.1, -4.1, -4.4, -5.1	Standards and Assessment
N.J.A.C. 6A:14-4.11	Statewide assessment
N.J.A.C. 6A:15-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:15-1.11	Bilingual Education
N.J.A.C. 6A:23-8.3	Commissioner to ensure achievement of the Core Curriculum Content Standards
N.J.A.C. 6A:32-2.1	Definitions
N.J.A.C. 6A:32-12.1 et seq.	Annual Reporting and Planning Requirement
N.J.A.C. 6A:32-13.1 et seq.	Student Behavior
N.J.A.C. 6A:32-14.1 et seq.	State and Federally Mandated Programs and Services

Abbott v. Burke, 149 N.J. 145 (1997) (Abbott IV)

Abbott v. Burke, 153 N.J. 480 (1998) (Abbott V)

Abbott v. Burke, 163 N.J. 95 (2000) (Abbott VI)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Corresponds to NJSBA Policy No. 6147

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6147.1

Name: Evaluation of Individual Student Performance
Board Approval Date: November 22, 2011

Grading

The lead person, in consultation with the teaching staff, shall develop a marking system to be used uniformly in the same grade level throughout the schools. The system should be clear, easily understood by parents/guardians and students, and able to be applied with consistency of interpretation. Computation of grade-point average and rank in class shall be uniform throughout the school. Evaluation and grading symbols shall be intended to appraise the student's progress toward established goals, and shall be a factor in promotion/graduation decisions.

The board of trustees encourages the certified staff, under the direction of the lead person, to employ a comprehensive approach to the use of appraisal and evaluative techniques in monitoring student progress, including, but not limited to, written and oral teacher-made tests, performance observation, parent/guardian interviews, formal and informal evaluation techniques, use of cumulative student records, and medical examinations. Recognized standardized achievement tests may also be used in grades designated by the board.

The lead person shall have the right to review disputed grades and with board approval to adjust them.

Testing

In addition to testing procedures established in policy 5120 Assessment of individual needs, the school shall establish and maintain a general testing program to:

- A. Improve the instructional program to assist students in achieving the Core Curriculum Content Standards;
- B. Measure the needs and progress of individual students;
- C. Measure the achievement of grade levels;
- D. Allow comparison of the school's students with national or other norms;
- E. Aid in evaluation of programs.

The school testing program shall embody at least the tests required by state and federal law. The administration shall continually scrutinize the applicability and effectiveness of tests being used in the school.

School personnel shall not use tests, procedures or other guidance and counseling materials that are differentiated or stereotyped on the basis of race, color, creed, religion, gender, affectional or sexual orientation, ancestry, national origin or social or economic status.

Any requests for surveys, student observations, or student questionnaires must be forwarded through the principal or the chief school administrator's office to the lead person's office for approval before any survey or observation can be conducted. If the survey concerns any of the topics described in statute, the lead person shall obtain written consent from parents/guardians or the students being surveyed at least two weeks prior to its administration.

Individual results of standardized tests, including intelligence tests, shall be made available to parents/guardians upon their request, but shall be considered confidential information to be available only to authorized persons. School test results shall be discussed in a public meeting.

Determining Class Rank

The lead person shall develop procedures for determining class ranking that take into account:

- A. Records of transfer students;
- B. Honors and advanced courses.

Legal References:

N.J.S.A. 18A:7C-3, -4, -6, -6.2	Remedial instruction for students not meeting graduation standard
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:35-4.9	Student promotion and remediation, policies and procedures
N.J.S.A. 18A:36-34	Written approval required prior to acquisition of certain survey information from students
N.J.A.C. 6A:7-1.7	Equality in school and classroom practice
N.J.A.C. 6A:8-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:8-1.3, -4.1, -5.1	Standards and Assessments
N.J.A.C. 6A:16-1.4(c)	District policies and procedures
N.J.A.C. 6A:32-2.1	Definitions
N.J.A.C. 6A:32-7.1	Student Records
N.J.A.C. 6A:32-12.2	School-level planning
34 CFR 98	Protection of Student Rights
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.	
<u>Talarsky v. Edison Township Board of Education</u> , 1977 S.L.D. 862	

Corresponds to NJSBA Policy No. 6147.1

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6153

Name: Field Trips
Board Approval Date: November 22, 2011

The board of trustees recognizes that field trips, used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the school.

For purposes of this policy, a field trip shall be defined as any journey by a group of students away from the school premises, under the supervision of a teacher, which is an integral part of an approved course of study and conducted for the purpose of affording a first-hand educational experience not available in the classroom.

The board of trustees shall consider field trips which are included in curriculum guides to have been approved in advance. All trips not listed in the curriculum guide must be individually approved by the board. Times and locations of field trips shall not be posted on school Websites.

When field trips and excursions are to be arranged, the following guidelines apply:

- A. All trips, and the arrangements for them, must have advance approval. This includes whether local district buses will be used; whether these may be supplemented by private vehicles; the route to be followed; and parking arrangements if necessary;
- B. Costs must be ascertained;
- C. Each child who goes on a field trip or excursion must have written parental permission;
- D. Student safety must be of prime concern, and adequate supervision must be provided by staff aided by other adult chaperones if necessary;
- E. All trips must be well planned, properly timed, and related to regular learning activities, or to school goals and objectives; and
- F. Each field trip should be evaluated by students, teachers, and the administration.

The board shall bear all expenses of field trips included in the curriculum guides. Parents/guardians shall be asked to bear the expense of all other excursions. No student is to be denied the right to participate because of inability to pay.

The lead person shall develop guidelines for planning trips suitable to the various grade levels, and regulations governing frequency, distance and expense.

The board does not endorse, support or assume liability in any way for any staff member of the school who takes students on trips not approved by the board. No staff member may solicit students of this school for such trips within the facilities or on the school grounds of the school without board permission.

Student Self-Administration of Medication

The board shall permit self-administration of medication on field trips for asthma or other potentially life-threatening illness by students with the written permission of a physician and a parent/guardian of the student. All conditions established by law and board policy shall be met (see Policy No. 5141.21).

Epinephrine shall be administered via epi-pen to students in emergencies on field trips by the school nurse, his/her designee(s), the student's parent/guardian or the student himself/herself, in accordance with Policy No. 5141.21 Administering Medication.

Legal References:

N.J.S.A. 18A:25-2	Authority over students
N.J.S.A. 18A:36-21 through -23	Field trips; costs to be borne by parents or guardians
N.J.S.A. 18A:36-35	School Internet Web sites; disclosure of certain student information prohibited

N.J.S.A. 18A:39-20.1	Transportation to and from related school activities in private vehicle with capacity of eight or less; authorization of qualified school personnel, state employees or parents
N.J.S.A. 18A:40-12.3 through -12.4	Self-administration of medication by students, conditions ...
N.J.S.A. 18A:40-12.5	Policy for emergency administration of epinephrine to public school students
N.J.S.A. 18A:40-12.6	Administration of epinephrine; primary responsibility; parental consent
N.J.A.C. 6A:27-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:27-1.1(b), -7.6, -11.1, -11.2	Student transportation

Rhodes v. Caldwell Board of Education, 1981 S.L.D. 140

Corresponds to NJSBA Policy 6153

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6160

Name: Instructional Services and Resources
Board Approval Date: November 22, 2011

The board believes that personnel and materials appropriate to the needs of the school program must be available to each student and teacher.

To be in compliance with the requirements of federal law, the board of trustees directs the lead person to distribute curriculum materials and instructional supplies to the schools in such a way that equivalence of such materials is ensured among the schools. Staff assignments shall comply with this directive.

When a school fails to achieve adequate yearly progress as defined by the state for two consecutive years, all provisions in federal law shall be followed.

The board will endeavor to provide the supportive resources and personnel necessary for teachers to implement the approved curriculum in their classrooms and work effectively with children.

It will be the administration's responsibility to set up and maintain such central services for curriculum materials, including audiovisual materials, as are needed, and appropriate channels through which teachers and students will be supplied with these resources.

In addition, there will be a media resource center and media specialist to offer children instruction and teachers assistance in selecting and using learning resources.

Legal References:

N.J.S.A. 18A:34-1	Textbooks; selection; furnish free with supplies; Appropriations
N.J.A.C. 6A:7-1.4 et seq.	Responsibilities of the district board of education
N.J.A.C. 6A:8-2.1	Authority for educational goals and Standards
N.J.A.C. 6A:32-14.1	Review of mandated programs and services
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.	

Corresponds to NJSBA Policy No. 6160

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6162.4

Name: Community Resources
Board Approval Date: November 22, 2011

The board of trustees will draw on the knowledge and opinions of the school community in developing mandated policies and programs in compliance with statute and administrative code, and to aid in meeting the school's identified needs.

The board of trustees encourages local businesses and individual residents who are especially qualified because of training, experience or interest to take an active part in the school's educational programs. Those persons and representatives of businesses identified by the lead person and the staff and approved by the board may be invited to act as advisors in groups or individually in appropriate circumstances and situations.

The school shall also take advantage of the physical and financial resources of the community and of organizations including businesses when such facilities or locations provide learning and enrichment opportunities not otherwise available to our students. Student safety shall be a primary concern in making use of such resources.

In accordance with law, the administration shall identify and establish working relationships with licensed community agencies that are involved in evaluation and treatment of drug/alcohol problems.

Legal References:

N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.A.C. 6A:16-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:16-4.1,-4.2	Programs to Support Student Development
N.J.A.C. 6A:32-12.1	Reporting requirements

Corresponds to NJSBA Policy No. 6162.4

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6162.5

Name: Research
Board Approval Date: August 14, 2017

Research

The board of trustees recognizes that educational research can be a valuable tool in identifying and applying strategies to enhance student achievement and in identifying factors that could prevent students from becoming contributing members of society. Surveys among student populations can be an important part of this research.

Students and parents/guardians retain certain rights, however, in the administration of surveys. The board shall ensure a copy of the survey is available for viewing and that prior written consent is obtained from parents/guardians or emancipated students before any survey is administered that is funded in whole or in part by any state or federal source, if the survey (analysis or evaluation) is designed to reveal information on any of the following:

- A. Political affiliations or beliefs of the student or the student's parents/guardians;
- B. Mental and psychological problems of the student or the student's family;
- C. Sex behavior or attitudes;
- D. Illegal, anti-social, self-incriminating, or demeaning behavior;
- E. Critical appraisals of other individuals with whom respondents have close family relationships;
- F. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, or ministers;
- G. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
- H. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program); or
- I. Social security number.

Parents/guardians shall be given the opportunity to inspect any survey, analysis or evaluation that solicits information in any of the above areas, including surveys funded by other than state or federal sources. If parents/guardians object to their child's participation in a survey regarding the above matters, the child shall be allowed to opt out. The chief school administrator shall adopt regulation to protect the confidentiality of all survey respondents.

Prior approval of the chief school administrator is required for all other surveys on topics not listed. Anyone seeking approval of a proposed survey must provide the chief school administrator with details of the survey methodology, its specific educational purpose and a description of how results will be disseminated and applied.

The chief school administrator shall develop regulations to implement this policy that include reasonable timelines for parents/guardians to access and review surveys as prescribed by law, and arrangements to protect student privacy in the administration of a survey.

This policy and the regulations shall be made available to the public at least annually at the beginning of the school year, especially to parents/guardians and to district staff. The public shall be informed within a reasonable period of time if substantive change is made to policy and regulations. The public shall also be informed of specific or approximate dates, if known, when surveys may be administered.

Parent/Guardian Notification

Annual parent/guardian notice shall include an opportunity for the parent/guardian to opt the student out of the following activities:

- A. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, or otherwise providing that information to others for that purpose;
- B. The administration of any third party (non-Department of Education funded) survey containing one or more of the above described nine items of information.

Legal References:

N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students

20 U.S.C.A. 1232g Family Educational Rights and Privacy Act

20 U.S.C.A. 1232h Protection of Student Rights Amendment

Every Student Succeeds Act, 114 P.L. 95, 129 Stat. 1802, 114 P.L. 95, 129 Stat. 1802

In re: Application of Charles V. Reilly, Robert A. Hutton and Sean Reilly to Contest the Validity of the Enactment of Assembly Bill 3359 (P.L. 2001, c. 364), Superior Court of New Jersey, Appellate Division, Docket No. A-0163-02T2, 2003 N.J. Super. Lexis 376

Corresponds to NJSBA Policy No. 6162.5

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6164.2

Name: Guidance Services
Board Approval Date: November 22, 2011

A guidance program shall be incorporated into the school's educational program to aid students in making informed and responsible decisions and in using effective decision-making processes. The guidance program shall be developed and coordinated by the lead person in consultation with teaching staff members he/she has identified as possessing necessary skills and abilities, to help students acquire the insights and knowledge they need to become autonomous, mature members of adult society in a democratic nation.

The purpose of the guidance program shall be to help students in learning to make their own decisions concerning life's many choices--personal, educational, and career/vocational.

The guidance program shall provide, as fully as possible, the information needed to make the best decisions concerning the student's educational program. Such information shall include facts such as test scores, grades and educational history. Student records may also include anecdotes, but shall not carry judgments, opinions and other advice.

Students shall be encouraged to avail themselves of the help of the guidance department's personnel. The guidance department in the high school shall encourage the visits of educational and occupational representatives, including military recruiters. The administration shall have a positive attitude toward granting permission to seniors to visit schools, colleges and places of employment during school time. Students must have prior approval of the guidance department for the scheduled visit.

Students shall be aided in finding part-time jobs when in school, and permanent employment upon graduation.

Guidance services shall include establishment of a referral system that guards the privacy of the student and monitors the efficacy of such referrals, when school resources are not sufficient, as in drug or alcohol counseling.

Legal References:

N.J.S.A. 18A:35-4.2	Career development program
N.J.S.A. 18A:36-19	Student records; creation, maintenance and retention, security and access; regulations; nonliability
N.J.S.A. 18A:36-19.1	Military recruiters; access to schools and student information directories
N.J.S.A. 18A:38-36	Employment certificates to part-time students; Revocation
N.J.S.A. 18A:46-5.1	Basic child study team services; provision by boards of education and state operated programs
N.J.A.C. 6A:7-1.7	Equality in school and classroom practices
N.J.A.C. 6A:8-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:8-3.2	Standards and Assessment
N.J.A.C. 6A:9-13.2	Substance awareness coordinator
N.J.A.C. 6A:9-13.7	Director of school counseling services
N.J.A.C. 6A:9-13.8	School counselor
N.J.A.C. 6A:14-3.4	Evaluation
N.J.A.C. 6A:16-4.1	Adoption of policies and procedures for the intervention of student alcohol and other drug abuse

N.J.A.C. 6A:32-7.1 et seq.

Student Records

N.J.A.C. 6A:32-13.3

Guidance and counseling

Corresponds to NJSBA Policy 6164.2

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6171.1

Name: Remedial Instruction
Board Approval Date: November 22, 2011

Standards shall participate in remedial programs. Proficiency shall also be evaluated through multi-skills assessment, standardized tests, diagnostic instruments, teacher observation and student progress reports.

The programs shall include procedures to evaluate student achievement related to the remedial program objectives and standards. Continuous communication between teaching staff members and parents/guardians of students participating in remedial educational programs shall be coordinated by the lead person. These programs shall be supplemental to the regular program and designed to assist students who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

All parents/guardians shall be notified in writing of a student's need for a remedial/skill maintenance program and shall be encouraged to participate in its design.

Regulations governing these programs and procedures shall be reviewed and adopted by the board as required by law.

The lead person shall evaluate the remedial education programs each school year and report to the board of trustees as to their effectiveness in achieving and maintaining acceptable levels of student proficiency.

Legal References:

N.J.S.A. 18A:7C-1 et seq.	High School Graduation Standards
<u>See particularly:</u> N.J.S.A. 18A:7C-2, -3, -4, -6	
N.J.S.A. 18A:35-4.9	Student promotion and remediation; policies and procedures
N.J.A.C. 6A:8-4.3	Accountability
N.J.A.C. 6A:8-4.4	Annual review and evaluation of school districts
N.J.A.C. 6A:8-5.1	Graduation

Corresponds to NJSBA Policy. No. 6171.1

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6171.3

Name: At-Risk and Title I
Board Approval Date: November 22, 2011

The school shall comply with all state and federal requirements in developing, implementing, administering and evaluating funded compensatory education programs and programs for students determined to be at risk.

Such instructional services and activities shall be designed to improve the level of proficiency in reading, writing, mathematics and other skills of students, whose academic, social or environmental needs prevent them from succeeding in regular school programs, and to prevent their regression in such skills when regular programs are not in session. Parents/guardians shall be kept informed of their children's progress and shall be invited to consult with staff on ways to give their children the maximum benefits of such programs.

At least once annually, a public meeting shall be held for the express purpose of informing parents/guardians of the programs and activities provided with Title 1 funds. The agenda shall include:

- A. Informing parents/guardians of their right to consult in the design and implementation of the Title 1 project;
- B. Providing parents/guardians with information about the Title 1 law, regulations and instructional programs;
- C. Soliciting parents/guardians' input about basic skills improvement programs and related activities;
- D. Providing parents/guardians an opportunity to establish mechanisms for maintaining ongoing communication among parents/guardians, staff, and the board.

The parents/guardians of all eligible children shall be invited to attend.

Mandated Policy Statements in Addition to Parent Consultation

A. Comparability of personnel

To be in compliance with the requirements of federal law the board of trustees of Burch Charter School of Excellence directs the Chief School Administrator to assign teachers, administrators, and auxiliary personnel to the schools in such a way that equivalence of personnel is ensured among the schools.

B. Comparability of materials and supplies

To be in compliance with the requirements of federal law the board of trustees of the Burch Charter School of Excellence directs the lead person to distribute curriculum materials and instructional supplies to the schools in such a way that equivalence is ensured among the schools.

C. Supplement not supplant

The Burch Charter School of Excellence shall use Title I funds only to supplement and to the extent practical increase the level of funds that would, in the absence of Title I funds, be made available for the education of students participating in Title I or state compensatory education projects. In no case shall Title I funds be used to supplant those non-Title I or non-state compensatory education funds.

D. Maintenance of effort

The board of trustees will maintain a combined fiscal effort per student or aggregate expenditures of state and local funds with respect to the provision of the public education for the preceding fiscal year that is not less than the required amount of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

Eligibility for State and Federal Funds

The lead person shall ensure that all requirements for receiving state and federal funds shall be fulfilled in an accurate and timely manner.

Control over such funds and title to all equipment and supplies purchased with such funds shall remain with the board of trustees. Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with the law.

General

The trustees shall direct appropriate administrative personnel to pursue vigorously all possible sources of funding, either state or federal, which support such compensatory services, and shall keep abreast of all changes in the law which restrict or expand the school's use of state or federal funds.

Programs especially designed for migrant children shall be provided as necessary.

Legal References:

- N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures
- N.J.S.A. 18A:59-1
through -3 Apportionment and distribution of federal funds; exceptions
- N.J.A.C. 6A:32-14.1 Review of mandated programs and services
- 42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964
- Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)
- No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Corresponds to NJSBA Policy No. 6171.3

The Burch Charter School of Excellence Policy

Category: Instruction
Code: 6171.4

Name: Special Education
Board Approval Date: August 14, 2017

Special Education

In compliance with State Department of Education interpretation of the administrative code on special education, the board adopts the following policies on providing educational and related services to students identified as having educationally disabling conditions as defined in federal and state law.

Full Educational Opportunity for Students with Disabilities

The board of education is responsible for providing a free and appropriate public education for all children resident in the district including children ages three through 21 identified as having disabilities and students with disabilities who have been suspended or expelled. All reasonable efforts will be made to resolve an enrolled child's learning and adjustment difficulties prior to his/her referral to the child study team for screening and/or evaluation. When a student is found eligible for special education and related services and the board of education cannot provide required instruction and related services from its own resources and facilities, the board will seek appropriate placement outside the district, and will assume such costs of that placement as are required by law.

The board shall ensure that:

- A. Free, appropriate public education is made available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
- B. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
- C. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
- D. The services and placement to receive a free and appropriate education needed by each student with a disability are based on the student's unique needs and not on the student's disability; and
- E. The services and placement needed by each student with a disability are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

The goal of the board's special education program is to provide full educational opportunity to all resident students ages three through 21 with disabilities, as those terms are defined in federal and state law. The board will make available to parents/guardians of students with disabilities below the age of three information regarding services available through other state, county and local agencies.

The chief school administrator shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports.

The chief school administrator shall also ensure that the district plan for special education is in compliance with administrative code and the approved state plan for special education, according to N.J.A.C. 6A:14-4.1 which sets for the requirements for programs and instruction. This plan shall consist of policies, procedures, assurances, a comprehensive system of personnel development, data collection and an application that describes the use of IDEA Part B funds.

The chief school administrator shall ensure that the plan is implemented in this district and shall supervise its operation so that it will accomplish its stated goals and objectives.

Participation of and Consultation with the Parents/Guardians

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process, pursuant to N.J.A.C. 6A:14-2.3 and 2.4. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed (see section below: Parental Consent, Notice, Participation, and Meetings). After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days.

Surrogate Parent (N.J.A.C 6A:14-2.2)

Procedures set out in the administrative code shall be followed when parent/guardian cooperation and/or participation cannot be obtained. When necessary, a surrogate parent shall be appointed to ensure the protection of a student's rights when the parents/guardians cannot be identified or located or the child is a ward of the State of New Jersey. The district shall select and train such surrogate parents in compliance with the administrative code. A surrogate shall be provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:

- A. The parent of the student cannot be identified or located;
- B. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student;
- C. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student;
- D. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student;
- E. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.
 1. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student;
 2. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
 - a. Determine whether there is a need for a surrogate parent for a student;
 - b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
 - c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.
 3. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14:
 - a. The district will appoint a person that will be responsible for training surrogate parents;
 - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
 - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
 - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
 - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
 4. The district will ensure that:
 - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
 - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
 - c. All persons serving as surrogate parents are at least 18 years of age;
 - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
 - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Parental Consent, Notice, Participation, and Meetings (N.J.A.C. 6A:14-2.3)

- A. Consent shall be obtained:
1. Prior to conducting any assessment as part of an initial evaluation;
 2. Prior to implementation of the initial IEP;
 3. Prior to conducting any assessment as part of a reevaluation, except when the board can demonstrate that reasonable measures were taken to obtain such consent and the parent failed to respond;
 4. Prior to the release of student records;
 5. Each time a district board of education seeks to access private insurance covering a student with a disability;
 6. Prior to the first time a district board of education seeks to access a child's or parent's public benefits or insurance covering the student;
 7. Whenever a member of the IEP team is excused from participating in a meeting;
 8. Whenever an IEP is amended without a meeting;
 9. Whenever a parent/guardian and the board agree to waive a reevaluation;

Written consent may be revoked by the parent, in writing, at any time. Upon receipt of consent, the board ensures that the action for which consent was given shall be implemented without delay.

The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.

- B. When electronic mail is utilized, parents shall be informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. Parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent.
- C. Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to N.J.A.C. 6A:14-2.4. Written notice shall include:
1. A description of the action proposed or denied by the board;
 2. An explanation of why the action is being taken;
 3. A description of any options that were considered and the reasons why those options were rejected;
 4. A description of the procedures, tests, records or reports and factors used in determining whether to propose or deny an action;
 5. A description of any other factors that are relevant to the proposal or refusal of the action;
 6. A statement that the parents/guardians of a student with a disability have protection under the procedural safeguards, the means by which a copy of a description of the procedural safeguards can be obtained and sources for parents to contact to obtain assistance in understanding the provisions of the law; and
 7. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided only one time per year, except that a copy shall also be provided:
 - a. Upon referral for an initial evaluation;
 - b. Upon request by a parent;
 - c. When a request for a due process hearing is submitted to the Department of Education;
 - d. When a request for a complaint investigation is submitted to the Department; and
 - e. When a student is removed for disciplinary reasons and the removal constitutes a change in placement.
 8. The annual written notice of the procedural safeguards to parents/guardians and/or adult students shall be provided as follows:
 - a. The board shall provide written notice no later than 15 calendar days after making a determination;
 - b. The board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians and/or adult student may consider the proposal;
 - c. The district board of education shall implement the proposed action after the opportunity for consideration (in 2 above) unless parent/guardian disagrees with the proposed action and the district takes action in an attempt to resolve the disagreement; or mediation or a due process hearing is requested.
- D. The parent/guardian shall be given the opportunity to participate in meetings regarding the identification, evaluation,

classification, educational placement of, or the provision of a free, appropriate public education to the student.

Location, Referral and Identification (N.J.A.C 6A:14-3.3)

The board directs the chief school administrator to prepare written procedures for identifying those students ages three through 21, including students attending nonpublic schools located within the district regardless of where they reside, who reside within the district with respect to the location and referral of students who may have a disability due to physical, sensory, emotional, communication, cognitive or social difficulties. In order to ensure preschoolers with disabilities have their initial IEPs implemented no later than age three, a written request for initial evaluation shall be forwarded to the district at least 120 days prior to the preschooler attaining age three.

The requirements of law and board policy for identification, location and evaluation shall apply to highly mobile students with disabilities, such as migrant and homeless students, and to students who may have a disability even though they are advancing from grade to grade.

Activities undertaken to locate nonpublic school students with disabilities shall be comparable to activities undertaken to locate public school students with disabilities. In addition, the board shall consult with appropriate representatives of nonpublic students on how to carry out these activities.

When a preschool age or school age student is referred for an initial evaluation to determine eligibility for special education programs and services, a meeting of the child study team, the parent and the regular education teacher of the student who is knowledgeable about the student's educational performance or, if there is no teacher of the student, a teacher who is knowledgeable about the district's programs, shall be convened within 20 calendar days (excluding school holidays, but not summer vacation) of receipt of the written request. The child study team shall determine whether an evaluation is warranted and, if warranted, shall determine the nature and scope of the evaluation. When the child study team determines that an evaluation is not warranted then other appropriate action may be determined. The parent shall be provided written notice of the determination(s), which includes a request for consent to evaluate, if an evaluation will be conducted.

The board shall ensure that all preschool students with disabilities shall have their IEPs implemented no later than their third birthdays. To provide a smooth transition between a child's preschool program and his/her school age program (public or private), particular attention shall be paid to articulation between those programs.

These procedures and arrangements shall be adopted by the board after review and possible revision. The procedures shall include:

1. Utilizing strategies identified through intervention and referral services (N.J.A.C. 6A:16-8) as well as other general education strategies;
2. Criteria for instructional, administrative and other professional staff, parents/guardians and state agencies to refer students for evaluation;
3. Evaluation criteria for the determination of eligibility for special education and related services; and
4. Other educational actions as appropriate.

Case Manager (N.J.A.C. 6A:14-3.2)

A case manager shall be assigned to a student when it is determined that an initial evaluation shall be conducted. Child study team members or speech-language specialists when they act as members of the child study team shall be designated and serve as the case manager for each student with a disability. The case manager shall coordinate the development, monitoring and evaluation of the effectiveness of the individualized education program (IEP). The case manager shall facilitate communication between home and school and shall coordinate the annual review and reevaluation process.

Evaluation and Determination of Eligibility (N.J.A.C. 6A:14-3.5 through N.J.A.C. 6A:14-3.6)

- A. The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.5, 3.4, 3.5, 3.6 and 3.7 dealing with:
 1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- B. The child study team, the parent and the regular education teacher of the student who has knowledge of the student's educational performance or if there is no teacher of the student, a teacher who is knowledgeable about the district's programs shall:
 1. Review existing evaluation data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers, and consider the need for any health appraisal or specialized medical evaluation;
 2. Identify what additional data, if any are needed to determine whether the student has a disability;

3. Determine which child study team members and/or specialists shall conduct each assessment that is part of the evaluation.
- C. Prior to conducting any assessment as part of an initial evaluation, the district shall request and obtain consent to evaluate;
 - D. If the parent refuses to provide consent to conduct the initial evaluation, the district may file for a due process hearing according to N.J.A.C. 6A:14-2.7 to compel consent to evaluate;
 - E. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services;
 - F. After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services under this chapter, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days. This time frame shall not apply if the parent/guardians fails or refuses to produce the child for the evaluation;
 - G. An initial evaluation consisting of a multi-disciplinary assessment in all areas of suspected disability shall be conducted. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational certification and other specialists in the area of disability as required or as determined necessary;
 - H. When the suspected disability is a disorder of articulation, voice or fluency, the speech-language specialist shall meet with the parent/guardian and the student's general education teacher about the student's educational performance to review existing data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
 - I. A comprehensive written report of the results of each assessment shall be prepared according to the specifications in law (N.J.A.C. 6A:3.4(h));
 - J. When conducting an initial evaluation or reevaluation, the reports and assessments of child study team members or related services providers may be submitted by the parents/guardians to the child study team for consideration. Each report and assessment shall be reviewed and considered by the child study team member or related services provider with relevant knowledge or expertise. A report or component thereof may be utilized as a required assessment, if the assessment has been conducted within one year of the evaluation and the child study team determines the report and assessment meet the state (see N.J.A.C. 6A:14-3.4, h) and district requirements;
 - K. Upon receipt of a written referral to the child study team, the school nurse shall review and summarize available health and medical information regarding the student and shall transmit the summary to the child study team for the meeting to consider the need for a health appraisal or specialized medical evaluation.

An audiometric screening according to N.J.A.C. 6A:16-2.2(k)3 shall be conducted for every student referred to the child study team for a special education evaluation.

A vision screening shall be conducted by the school nurse for every student referred to the child study team for a special education evaluation.

The board shall ensure that a variety of assessment tools and strategies shall be applied to gather information to develop and monitor the IEP, including cooperation and input from the parents/guardians. Relevant information shall also be related to enabling the student to be involved in and progress in the general education curriculum or, for preschool children with disabilities to participate in appropriate activities.

Independent Educational Evaluation (N.J.A.C. 6A:14-2.5)

Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with the initial evaluation or a reevaluation provided the board. A parent shall be entitled to only one independent evaluation at public expense each time an initial evaluation or reevaluation is conducted with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent is seeking as part of the independent evaluation request. The independent evaluation shall be provided at no cost to the parent unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

Any independent evaluation submitted to the district, including an independent evaluation obtained by the parent/guardian at private expense, shall be considered in making decisions regarding special education and related services.

Individualized Education Program IEP (N.J.A.C. 6A:14-2.3 (k)1 and 3.5 through -3.6)

Eligibility for special education and related services shall be determined collaboratively by the parents/guardians; a teacher who is knowledgeable about the student's educational performance or district's programs; the student, where appropriate; at least one child study team member who participated in the evaluation; the case manager; other appropriate individuals at the discretion of the parent or district; and for an initial eligibility meeting, certified school personnel referring the student as potentially disabled, or the school principal or the chief school administrator or designee if they choose to participate.

A student shall be determined eligible and classified for special education and related services when it is determined that the student has one or more of the disabilities defined in the administrative code. A student shall be determined eligible for speech-language services when he/she exhibits a speech or language disorder as outlined in the administrative code.

The individualized education program for each student with a disability shall be developed in accordance with the provisions of the administrative code, at N.J.A.C. 6A:14-2.3(k) regarding eligibility meetings for students who are classified and N.J.A.C. 6A:14-3.7 regarding the requirements of individualized education program (IEP).

A meeting to develop the IEP shall be held within 30 calendar days of a determination that a student is eligible for special education and related services or eligible for speech-language services. An IEP shall be in effect before special education and related services are provided to a student with a disability and such IEP shall be implemented as soon as possible following the IEP meeting.

At the beginning of each school year, the board shall have in effect an IEP for every student in the district who is receiving special education and related services. Every student's IEP shall be accessible to each regular education teacher, special education teacher, related services provider, and other service provider who is responsible for its implementation. Each teacher shall be informed of the specific responsibilities related to implementing the student's IEP and the specific accommodations, modifications, and supports to be provided for the student in accordance with the IEP. Teacher aides and the appropriate general or special education teaching staff time shall be provided for consultation on a regular basis as specified in each student's IEP (N.J.A.C. 6A:14-4.5(d)).

The board directs the chief school administrator or his or her designee to maintain documentation that the teacher and provider, as applicable, has been informed of his or her specific responsibilities related to implementing the student's IEP. The board shall ensure that there is no delay in implementing a student's IEP including any case in which the payment source for providing or paying for special education and related services is being determined.

A written individualized education program shall be developed and implemented for each classified student and, in accordance with New Jersey law (see N.J.A.C. 6A:14-3.7), a review shall be conducted by the appropriate staff members annually or more often, if necessary, to evaluate the disabled student's progress and to revise the individualized education program.

Meetings shall be conducted to determine eligibility and to develop, review and revise a student's individualized education program. Such meetings shall be scheduled at a mutually agreed upon time and place, and notice of the meetings shall indicate the purpose, time, location and participants. If the parents/guardians cannot attend the meetings, the chief school administrator/designee shall attempt to ensure parental participation, including the use of individual or conference telephone calls. Documentation shall be maintained of all attempts to secure parent/guardian participation.

Parents/guardians shall receive a copy of the student's IEP and of any revisions made to it.

All communication with parents/guardians, including written notice, notifications and required meetings, shall be conducted in the language used for communication by the parent/guardian and student unless it is not feasible to do so. This shall include providing foreign language interpreters or translators and sign language interpreters for the deaf at no cost to the parents.

The IEP shall be developed and monitored with the cooperation and input of parents/guardians. In addition to educational programming, the IEP shall provide for necessary disciplinary action and specify graduation requirements when appropriate. Any accommodations and/or modifications for the administration of statewide assessments shall be specified in the IEP.

The board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Such education-related services shall include transportation, ensuring that hearing aids worn by deaf and/or hard of hearing children in school are functioning properly, etc.

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

Participation in Regular Educational Programs to the Maximum Extent Appropriate/Least Restrictive Environment (N.J.A.C. 6A:14-4.2)

Educational placement decisions made for each disabled student shall always be, insofar as possible, in the least restrictive environment commensurate with the student's educational needs. This means that to the maximum extent appropriate, educationally disabled students shall be educated with children who are not educationally disabled. These decisions should be designed to produce a positive effect on the student and to ensure the quality of services which he/she requires.

The board of education will provide the kind and quality of those special education-related services prescribed in the IEP to enable students with disabilities to participate in regular educational programs to the maximum extent appropriate. Special classes, separate schooling or other removal of a student with a disability from the student's general education class occurs only when the nature or severity of the educational disability is such that education in the student's general education class with the use of appropriate supplementary aids and services cannot be achieved satisfactorily. All students shall be considered for placement in the general education class with supplementary aids and services including, but not limited to curricular or instructional modifications or specialized instructional strategies: Assistive technology devices and services; teacher aides; related services; integrated therapies; consultation services; and in-class resource programs.

When instruction in general education subjects or content areas is provided to groups consisting solely of students with disabilities, the size of the groups and age range shall conform to the requirements for special class programs. An exception to the age range and group size requirements of law (N.J.A.C. 6A:14-4) may be requested by writing to the Department of Education through the county office.

When students with disabilities participate in physical education, intramural and interscholastic sports, non-academic and extracurricular activities in groups consisting solely of students with disabilities, the age range and group size shall be based on the nature of the activity, needs of the students participating in the activity and the level of supervision required.

The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of the administrative code.

In order to ensure a continuum of alternative placements, when the board cannot provide required instruction and related services from its own resources and facilities, it will seek appropriate placement outside the district and will assume such costs of that placement as are required by law.

Placement of a disabled student in the least restrictive environment shall be determined annually and, for a student in a separate setting, activities necessary to transition the student to a less restrictive placement are considered at least annually.

Placement is based on the student's individualized education program. Placement shall be provided in appropriate educational settings as close to home as possible. When the IEP does not describe specific restrictions, the student shall be educated in the school he/she would attend if not a student with a disability.

In determining the least restrictive setting consideration shall be given to whether the student can be satisfactorily educated in the regular classroom with supplemental aids and services; a comparison of the benefits provided in a regular class and the benefits provided in a special education class; and the potential beneficial or harmful effects which a placement may have on the student with disabilities or the other students in the class.

A student with a disability is not removed from the age-appropriate general education classroom solely based on needed modifications to the general education curriculum.

Placement in a program option shall be based on the individual needs of the student.

When determining the restrictiveness of a program option, the determination shall be based solely on the amount of time a student with disabilities is educated outside the general education setting.

The board shall provide nonacademic and extracurricular services and activities in the manner necessary to afford students with disabilities an equal opportunity for participation in those services and activities; and that each student with a disability participates with nondisabled students to the maximum extent possible.

Reevaluation (N.J.A.C. 6A:14-3.8)

Within three years of the previous classification, a multidisciplinary reevaluation shall be completed to determine whether the student continues to be a student with a disability. Reevaluation shall be conducted sooner if conditions warrant or if the student's parent or teacher requests the reevaluation. However, a reevaluation shall not be conducted prior to the expiration of one year from the date the parent is provided written notice of the determination with respect to eligibility in the most recent evaluation or reevaluation, unless the parent and district both agree that a reevaluation prior to the expiration of one year as set forth above is warranted. When a reevaluation is conducted sooner than three years from the previous evaluation, the reevaluation shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three-year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

If a parent provides written consent and the district board of education agrees that a reevaluation is unnecessary, the reevaluation may be waived. If a reevaluation is waived, the date of the parent's written consent shall constitute the date upon which the next three-year period for conducting a reevaluation shall commence.

Prior to conducting any assessment as part of a reevaluation of a student with a disability, the district board of education shall obtain consent from the parent.

Reevaluation shall be conducted when a change in eligibility is being considered, except that a reevaluation shall not be required before the termination of a student's eligibility under this chapter due to graduation or exceeding age 21.

Unless the parent and the board agree to waive a reevaluation, all requirements shall be completed within 60 days of the date the parent provides consent for the assessments to be conducted as part of the reevaluation or by the expiration of the three-year timeframe from completion of the prior evaluation or reevaluation, whichever occurs sooner.

When a reevaluation is completed:

- A. A meeting of the student's IEP team shall be conducted to determine whether the student continues to be a student with a disability. A copy of the evaluation report(s) and documentation of the eligibility shall be given to the parent at least 10 days prior to the meeting;
- B. If the student remains eligible, an IEP team meeting shall be conducted to review and revise the student's IEP;
- C. By June 30 of a student's last year of eligibility for a program for preschoolers with disabilities, a reevaluation shall be conducted and, if the student continues to be a student with a disability, the student shall be classified according to N.J.A.C. 6A:14-3.5(c) or 3.6(a).

Required Materials and Services

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq. and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

Related Services (N.J.A.C. 6A:14-3.4)

Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP.

Protection of Students Rights: Evaluation and Reevaluation Procedures (N.J.A.C. 6A:14-3.4 and 3.8)

A due process hearing is an administrative hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services.

In addition, the district board of education or public agency responsible for the development of the student's IEP may request a due process hearing when it is unable to obtain required consent to conduct an initial evaluation or a reevaluation, or to release student records. The district board of education shall request a due process hearing when it denies a written parental request for an independent evaluation in accordance with N.J.A.C. 6A:14-2.5(c).

Procedures shall provide all due process protection for the rights of the student and his/her parents/guardians whether the student is already enrolled in the schools or has been located through the process for identification as described above.

In order to achieve the district's goal of providing full educational opportunity to all students with disabilities in accordance with the administrative code, parent/guardian participation shall be sought in every successive stage of the special education decisional process. All notifications shall be made and all necessary conferences conducted in the language used for communication by the parent/guardian and the student unless it is not feasible to do so, in which case the provisions of administrative code shall be followed. The chief school administrator shall develop and present to the board for review and adoption procedures for:

- A. Giving notice to parents/guardians and adult students in accordance with N.J.A.C. 6A:14-2.3 when an initial request is being made for consent to evaluate or when a proposal has been made to initiate or change a classification, evaluation or educational placement of the student, or the provision of a free, appropriate education. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians and adult students of their right to review all educational records with respect to the identification, evaluation and educational placement of the student; to appeal these by requesting a due process hearing; and their rights in regard to free and low cost legal services and legal fees;
- B. An independent evaluation at the request of the parent/guardian or adult student in accordance with N.J.A.C. 6A:14-2.5(c). Such independent evaluation shall be at no cost to the parent/guardian if it is conducted in compliance with administrative code. The IEP team shall consider any independent evaluation submitted to it when making decisions regarding special education and/or related services;
- C. Mediation, a voluntary process that is available to resolve disputes, when disputes arise during any stage of the special education process which cannot be settled between the original parties. A request for mediation shall not be used to deny or delay the right to request a due process hearing. A due process hearing may be initiated by the board of education, a parent/guardian or adult student;
- D. Ensuring that all evaluation procedures, including but not limited to observations, tests and interviews used to determine eligibility and placement of students with disabilities, shall comply with the requirements of N.J.A.C. 6A:14-3.4, 3.5 and 3.7.

Graduation Requirements (N.J.A.C. 6A:14-4.11)

The IEP of a student with a disability who enters a high school program shall specifically address the graduation requirements. A disabled student must meet all state and local high school graduation requirements according to N.J.A.C. 6A:8-5.1(c) in order to receive a state-endorsed high school diploma except as specified in his/her IEP. When a student has been exempted from any graduation requirement, his/her IEP shall specify which requirements would qualify the student with a disability for the State endorsed diploma issued by the district.

Graduation with a State endorsed diploma is a change of placement that requires written notice in language understandable to the general public, and shall be provided in the native language of the parent/guardian (according to law N.J.A.C. 6A:14-2.3 and as described below). The parent/guardian shall be provided with a copy of the procedural safeguards statement published by the Department of Education (see 6171.4 Exhibit). The parent may resolve a disagreement with the proposal to graduate the student by requesting mediation or a due process hearing prior to graduation. A reevaluation shall not be required.

Beginning at age 14, the individualized education program (IEP) shall include a statement of the state and local graduation requirements that the student shall be expected to meet. The statement shall be reviewed annually. If a student with a disability is exempted from, or there is a modification to, local or state high school graduation requirements, the statement shall include the rationale for the exemption or modification based on the student's educational needs; and a description of the alternate proficiencies to be achieved by the student to qualify for a State endorsed diploma.

The annual review of the IEP for an elementary school student with disabilities shall be completed by June 30 of the student's last year in the elementary school program. The annual review shall include input from the staff of the secondary school. The IEP shall include a statement of the student's transition from an elementary program to the secondary program which shall be determined by factors including number of years in school; social, academic and vocational development; and chronological age.

If a district board of education grants an elementary school diploma, a student with a disability who fulfills the requirements of his or her IEP shall qualify for and receive a diploma.

Students with disabilities who meet the standards for graduation shall have the opportunity to participate in graduation exercises and related activities on a nondiscriminatory basis.

Assessment (N.J.A.C. 14-4.10)

The board shall ensure that all students with disabilities participate in statewide assessments in each content area of the general statewide assessment for their grade. Accommodations or modifications approved by the Department of Education shall be provided when determined necessary by the IEP team. Students with disabilities shall participate in the alternate proficiency assessment in each content area where the nature of the student's disability is so severe that the student is not receiving instruction in any of the knowledge and skills measured by the general statewide assessment and the student cannot complete any of the types of questions on the assessment in the content area(s) even with accommodations and modifications.

A statement of any individual modifications in the administration of statewide or districtwide assessments of student achievement needed for the student to participate in such assessment shall be included in the student's IEP. If the IEP team determines that the student shall not participate in a particular general statewide or districtwide assessment of student achievement (or part of such an assessment), a statement of why that assessment is not appropriate for the student according to N.J.A.C. 6A:14-4.10 and a statement of how that student shall be assessed and which assessment methodology is appropriate for the student shall be included in the student's IEP.

Following the 11th grade, students with disabilities who are required to pass a Department of Education approved high school proficiency assessment for graduation and have not done so shall participate in the dynamic learning map (DLM; formerly SRA and APA) in accordance with N.J.A.C. 6A:8. If a student is participating in a Department of Education alternative proficiency assessment determined by the IEP team, the student shall not be required to again participate in the high school proficiency assessment and pass that assessment.

Compilation, Maintenance, Access to and Confidentiality of Student Records (see board policy 5125 Student Records, N.J.A.C. 6A:32-7.4 through -7.6)

The board directs that the names and other personally identifiable data concerning students with disabilities shall be kept confidential and shall not be included in the public acts and public records of this district. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of students with disabilities on whose behalf the board of education must take public action. Motions concerning disabled students made at public meetings shall be anonymous and referred to this confidential file. This file shall be maintained in accordance with N.J.A.C. 6A:32-7.1.

The chief school administrator or his or her designee shall be responsible for the security of student records maintained in the school district and shall devise procedures for assuring that access to such records is limited to authorized persons.

The student records shall be maintained according to N.J.A.C. 6A:32-7 and board policy 5125 Student Records.

- A. The parent/guardian, adult student or their designated representative shall be permitted to inspect and review the contents of the student's records maintained by the district board of education under N.J.A.C. 6A:32 without unnecessary delay and before any meeting regarding the IEP.

Any consent required for students with disabilities under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "consent" and 2.3(a) and (b) as follows:

1. The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.
 2. When a parent refuses to provide consent for implementation of the initial IEP, no IEP shall be finalized and the board may not seek to compel consent through a due process hearing. However, if a parent refuses special education and related services on behalf of a student, the board shall not be determined to have denied the student a free, appropriate public education because the student failed to receive necessary special education and related services nor shall the board be determined in violation of its child-find obligation solely because it failed to provide special education or related services to a student whose parents refused to provide consent for implementation of the initial IEP. If a parent refuses to provide consent and the district and the parent have not agreed to other action, prior to conducting any assessment as part of an initial evaluation or reevaluation and prior to the release of student records the district may request a due process hearing according to N.J.A.C. 6A:14-2.7(b) to obtain consent.
- B. Records may be released with the consent of the parent/guardian or adult student having legal responsibility for educational decision making. Consent shall be agreed to in writing. The board shall ensure that the parent/guardian or adult student having legal responsibility for educational decision making:

1. Has been fully informed of all information relevant to the activity for which consent is being sought, in his or her native language or other mode of communication;
 2. Understands and agrees in writing to the implementation of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom;
 3. Understands that the granting of consent is voluntary and may be revoked at any time; and
 4. If the parent/guardian or adult student having legal responsibility for educational decision making revokes consent, that revocation is not retroactive (that is, it does not negate an action that has occurred after the consent was given and before the consent was revoked).
- C. To ensure proper accessibility and confidentiality, the records of students with disabilities shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the district policy 5125 Student Records in general. To assure the security of special education records:
1. Provision shall be made for access and security of electronic records of students with disabilities;
 2. Clerical and secretarial tasks related to such records shall be performed only under the supervision of appropriately certified staff.

As with all student records, access shall be guaranteed to persons authorized according to N.J.A.C. 6A:32-7.5 within 10 days of the request, but prior to any review or hearing conducted in accordance with State Board of Education regulations.

For the district's general policy and regulation on student records see 5125, which deals with all requirements common to students with disabilities and general student records including enumeration and description of records, provisions for access, notice to parents/guardians of their rights in regard to the child's records, etc.

Procedural Safeguards (N.J.A.C. 6A:14-2.3 through -2.4):

The board of education directs the chief school administrator to establish and implement the required procedural safeguards.

Procedural safeguards shall include:

- A. Ensuring that the rights of a student are protected through the provision of an individual to act as surrogate for the parent and assume all parental rights when a parent cannot be identified, located, and agency of the State has guardianship of the student, or the student is an unaccompanied homeless youth;
- B. Giving notice to parents/guardians per N.J.A.C. 6A:14-2.3 when an initial request is being made for consent prior to conducting any assessment as part of the initial evaluation; prior to the implementation of the initial IEP; prior to conducting any assessment as a part of a reevaluation; prior to the release of student records; each time the board seeks access to private insurance; when a member of the IEP team is excused from participating in a meeting; when the IEP is amended; and when a parent or the board agree to waive a reevaluation. For each instance, all required information and documentation shall be supplied to the parents/guardians within the timelines set by the administrative code. Particular care must be taken to inform parents/guardians of their right to appeal and their rights in regard to legal fees;
- C. Seeking consent of parents/guardians to the actions in 1, when such consent is required;
- D. Seeking parent/guardian participation in conferences and determinations as specified in 1, and in evaluation of the success of the educational plan for their child. When necessary, conference schedules shall be altered to accommodate working parents/guardians;
- E. Protection in the evaluation procedures including the use a variety of assessment tools and strategies to gather relevant functional and developmental information; valid measures that are not racially or culturally discriminatory; assessments that are administered in the language and form most likely to yield accurate information; assessment all areas of suspected disability; and other provisions of N.J.A.C. 6A:14-2.5;
- F. Ensuring that a parent shall be entitled to only one independent evaluation at public expense each time the board conducts an initial evaluation or reevaluation with which the parent disagrees;
- G. Ensuring mediation when disputes arise during any stage of the special education process which cannot be settled between the original parties;
- H. Providing for a due process hearing conducted by an administrative law judge. For students age three through 21 years, a due process hearing may be requested when there is a disagreement regarding identification, evaluation, reevaluation,

classification, educational placement, the provision of a free, appropriate public education, or disciplinary action. For students above the age of 21, a due process hearing may be requested while the student is receiving compensatory educational or related services;

- I. Discipline, suspension and expulsion procedures for up to 10 consecutive or cumulative school day that are subject to the same board procedures as nondisabled students. However, at the time of removal, the principal or the chief school administrator shall forward written notification and a description of the reasons for such action to the case manager and the student's parent(s);
- J. Protection of student information and the maintenance of student records according to board policy 5125 Student records and law (N.J.A.C. 6A:32-7);
- K. Except as provided in N.J.A.C. 6A:14-6.1(a) and required by an administrative law judge when the district failed to provide a free and appropriate education, the board shall not be required to pay for the cost of education, including special education and related services, of a student with a disability if the district made available a free, appropriate public education and the parents elected to enroll the student in a nonpublic school, an early childhood program, or an approved private school for students with disabilities;
- L. Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP;

The chief school administrator shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports;

These procedures shall provide all due process protection for the rights of the student and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;

To implement achievement of the board's goal for provision of special education, the chief school administrator shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds;

Complying with other aspects of the district program for special education and/or requirements of N.J.A.C. 6A:14

Written Plan

To implement achievement of the board's goal for provision of special education, the chief school administrator shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. After the plan has been approved by the board of education and the executive county superintendent, the chief school administrator shall implement it in this district and supervise its operation so that it will accomplish its stated goals and objectives. The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.

Discipline

In general, students with disabilities are subject to the same disciplinary constraints and sanctions as nondisabled students. However, before disciplinary action is taken against an educationally disabled student, consideration must be given to whether the behavior is caused by the disabling condition, whether the program that is being provided meets the student's needs, whether a component of the student's IEP covers the behavior, or whether the student is an immediate danger to himself/herself or others.

A disabled student may be removed for disciplinary reasons from his/her current educational placement to an interim alternative educational setting, another setting, or a suspension without the provision of educational services for up to 10 consecutive or cumulative school days in a school year. The building principal or the chief school administrator /designee must forward a written notice and description of the reasons for the student's removal to the case manager and the student's parents:

- A. In imposing a removal of ten days or less on a classified student, the building principal or the chief school administrator may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal;

- B. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A building principal or chief school administrator who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.

Preschool students with disabilities shall not be suspended or expelled.

Procedures for imposing and implementing disciplinary sanctions on students with disabilities, including removal to an interim alternative educational setting, suspension for more than 10 school days in a school year, or expulsion, shall be in strict compliance with the provisions of state and federal law and the administrative code. (See N.J.A.C. 6A:14-2.8, 3.7 and Appendix A)

(See board policy 5114 Suspension and Expulsion)

Disabilities Services Resource (all school districts with grades nine through 12) N.J.S.A. 18A:46-7.3

The board shall designate at least one staff member to serve as a disability services resource for parents. The designated staff member shall be able to demonstrate competency in the various services available through State agencies that serve persons with disabilities, and shall provide information to parents about how to access the services and assistance to parents in contacting the appropriate State agency. The district shall conduct outreach activities to ensure that the parents of children who receive special education services in the district, and local community disability organizations and service providers, are made aware of the name and contact information of the designated staff member.

Early Intervention

When an IEP is developed for a child age three who has been enrolled in an early intervention program and it is determined that the district shall provide a free, appropriate public education for that student by continuing the program in the early intervention program for the balance of that school year the board shall be responsible to ensure:

- A. That a free, appropriate special education and related services to students with disabilities is provided in accordance with N.J.A.C. 6A:14-1.1(d);
- B. A contractual agreement shall be provided between the board and the early intervention program;
- C. Personnel shall be appropriately certified and, if required, licensed; and
- D. Applications for exceptions to program and instruction requirements according to N.J.A.C. 6A:14-4.9 shall be made whenever necessary.

When a child who has been enrolled in the early intervention program requires an extended year program, the district may contract with the early intervention program for the provision of that program.

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs will experience a smooth transition and have an individualized education program developed and implemented.

Preschool Disabled Program

The chief school administrator shall develop and propose for board adoption programs and related services for students ages three through five who have been identified and classified as preschool disabled. Such programs and services shall be in strict accordance with New Jersey administrative code.

Nonpublic Schools (N.J.A.C. 6A:14-6.1, -6.2)

The board shall provide a genuine opportunity for the equitable participation of students with disabilities who have been enrolled in nonpublic schools by their parents/guardians, in accordance with federal law and regulations. All special education programs and services shall be provided with the consent of parents/guardians.

The board shall make the final decisions with respect to the services to be provided to eligible students with disabilities enrolled in nonpublic schools or early childhood programs and spend an amount of money equal to a proportionate amount of Federal funds available under Part B of the IDEA for the provision of services to students with disabilities who are attending nonpublic schools.

The district, after timely and meaningful consultation with representatives of nonpublic schools, shall undertake a child find process in accordance with IDEA and its implementing regulations to determine the number of parentally placed children with disabilities attending nonpublic schools located within the district.

As part of the child find process, the district board of education shall consult with private school representatives and representatives of parents of parentally placed nonpublic school children with disabilities in the design and development of special education and related services for such children.

Students identified as having disabilities attending nonpublic schools located in this district shall receive programs and services as specified in N.J.A.C. 6A:14- 6.2.

Placement Private Schools (N.J.A.C. 6A:14-7.5)

When the board places a student with a disability in an approved residential private school inside or outside the district or state in order to provide the student a free, appropriate public education, such placement shall be at no cost to the parent. The board shall be responsible for special education costs, room and board.

Native Language

Students who do not speak English; speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language; or speak some English but are more capable of performing school work in their native language, may have educationally disabling conditions that must be addressed in order to provide them the full educational opportunity that is the goal of the district for every child. Evaluation procedures shall be selected so that the student's cultural background and language abilities are taken into consideration unless it is clearly unfeasible to do so; and shall accurately reflect the student's ability rather than the impairment. All actions regarding parent/guardian notification, consent and participation shall be provided in the native language of the parent, unless that is clearly impossible. In that case, care shall be taken that the facts and procedures are made intelligible to the parents/guardians.

Staff Qualifications and Staff Development (N.J.A.C. 6A:14-1.2(b)13, 14)

All personnel serving students with disabilities shall be appropriately certified and licensed according to the State certification standards N.J.A.C. 6A:9B-11.4, where a license is required, in accordance with State and Federal law.

The chief school administrator shall ensure that the in-service training need for professional and paraprofessional staff who provide special education, general education or related services are identified. Appropriate in-service training shall be provided. The board direct the chief school administrator to maintain information to demonstrate district efforts to:

- A. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
- B. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
- C. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
- D. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
- E. Provide for joint training activities of parents and special education, related services and general education personnel.

Cooperation with Other Agencies

The chief school administrator shall investigate the possibilities of working with organizations and agencies providing services for students with disabilities, and shall present feasible programs and relationships to the board for consideration.

Parent Advisory Council (N.J.A.C. 6A:14-1.2(h))

The board shall ensure that a special education parent advisory group is in place in the district to provide input to the district on issues concerning students with disabilities.

Annual Reports

Annually, the board shall submit to the Department of Education a report describing the special education programs and services provided. The end of the year report shall include the numbers of nonpublic school students provided each program or service and such other information as may be required by the Department of Education.

Eligibility for State and Federal Funds

The chief school administrator shall ensure that all requirements for receiving, using and accounting for state and federal funds shall be fulfilled in an accurate and timely manner.

Procurement, control, use and disposition of equipment and supplies purchased with state/federal funds shall be in full compliance with law.

Access

In addition to educational programs, the board directs that the chief school administrator take into consideration physical access to district facilities for students, staff and the community with disabilities in determining location of programs or planning new facilities per state and federal law.

6171.4 Special Education Policy Crosswalk

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ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY

**NEW JERSEY DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION PROGRAMS**

**BOARD OF EDUCATION POLICIES AND PROCEDURES
FOR ELIGIBILITY UNDER PART B OF THE IDEA
FOR 2016-2017**

PART I - POLICIES

COUNTY CODE: _____ COUNTY NAME: _____

DISTRICT CODE: _____ DISTRICT NAME: _____

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall adopt and assure compliance with the following policies:

Policy #1:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

Policy #2:

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14- 3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

Policy #3:

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Policy #4:

An individualized education program is developed, reviewed, and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

Policy #5:

To the maximum extent appropriate students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Policy #6:

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14- 4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Policy #7:

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq., including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Policy #8:

The rules set forth in N.J.A.C. 6A:14 ensure a free appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school:

1. The obligation to make a free, appropriate public education available to each eligible student begins no later than the student's third birthday and that an individualized education program is in effect for the student by that date;
2. If a child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin;
3. A free, appropriate public education is available to any student with a disability who needs special education and related services, even though the student is advancing from grade to grade;
4. The services and placement needed by each student with a disability to receive a free, appropriate public education are based on the student's unique needs and not on the student's disability; and
5. The services and placement needed by each student with a disability to receive a free, appropriate public education are provided in appropriate educational settings as close to the student's home as possible, and, when the IEP does not describe specific restrictions, the student is educated in the school he or she would attend if not a student with a disability.

Policy #9:

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

Policy #10:

Full educational opportunity to all students with disabilities is provided.

Policy #11:

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

Policy #12:

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Policy #13:

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1 and N.J.A.C. 6A:14-7.5(b)3.

Policy #14:

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law, pursuant to N.J.A.C. 6A:14-1.2(b)13.

Policy #15:

Pursuant to N.J.A.C. 6A:14-1.2(b)4, the in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

Policy #16:

Instructional materials will be provided to blind or print-disabled students in a timely manner, consistent with a plan developed by the district.

Policy #17:

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Developmentally Disabled Uniform Application Act, N.J.S.A. 30:4-25.10 et seq. and N.J.A.C. 6A:14-1.2(b)17, the necessary materials to the parent to apply for such services.

Policy #18:

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted, parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14-1.2(b)18.

Policy #19:

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP, pursuant to N.J.A.C. 6A:14-4.5(d).

***Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services as required by N.J.A.C. 6A:14-3.7(c)4.

***Policy #21:**

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq.

PART II – PROCEDURES

In accordance with Part B of the IDEA and N.J.A.C. 6A:14-1.1, N.J.A.C. 6A:14-1.2(b) and (c), the district board of education shall assure compliance with the following policies and related procedures below:

Policy #1:

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

AND

Policy #2:

Homeless students are located, identified and evaluated according to N.J.A.C. 6A:14-3.3, and are provided special education and related services in accordance with the IDEA, including the appointment of a surrogate parent for unaccompanied homeless youths as defined in 42 U.S.C. §§11431 et seq.

AND

Policy #7:

Students with disabilities are afforded the procedural safeguards required by N.J.A.C. 6A:14-2.1 et seq. including appointment of a surrogate parent as set forth at N.J.A.C. 6A:14-2.2, when appropriate.

Pursuant to 20 U.S.C. §1412(a)(3), procedures to locate students with disabilities (child find) must ensure that:

1. Person(s) responsible to conduct child find activities are identified.
2. Child find activities are conducted for all children ages three through 21, who reside within the district or attend nonpublic schools within the district.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.
5. Child find activities address public and nonpublic students, including highly mobile students such as migrant and homeless students.
6. Child find activities for nonpublic school students are comparable to activities conducted for public school students.
 - a. Child find activities for nonpublic school children provide for consultation with appropriate representatives of the nonpublic school and parents on how to carry out these activities.
7. Child find activities include outreach to a variety of public and private agencies and individuals concerned with the welfare of students, such as clinics, hospitals, physicians, social service agencies and welfare agencies.

For charter schools, renaissance schools or state agencies, procedures must ensure that:

1. Child find activities are limited to the population of students enrolled in the charter or renaissance school or served by the state agency.
2. Person(s) to conduct child find activities are identified.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.

Procedures for interventions in the general education program must ensure that:

1. Criteria/steps for initiating interventions in the general education program are identified.
2. Parents, teachers and other school professionals, as appropriate, are informed of the procedures to initiate interventions in the general education program.
3. Activities are in place to determine whether the interventions are effective.
4. School personnel who are responsible for the implementation/evaluation of the interventions are identified; and
5. The type, frequency, duration and effectiveness of the interventions are documented.

Procedures for referral must ensure that:

1. Steps are in place to refer students after it has been determined that interventions in the general education program are not effective in alleviating the educational difficulties.
2. Steps are in place to refer students directly to the child study team when warranted.
3. Steps are in place to refer students who may have a disability but are advancing from grade to grade.
4. Steps for initiating a referral to the child study team by school personnel identify:
 - a. The information/documentation of student performance required in the referral;
 - b. Forms, if any, that are to be submitted by school personnel;
 - c. School personnel who are responsible to process referrals; and
 - d. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
5. Steps for processing written referrals received from parents identify:
 - a. School personnel who are responsible to process referrals from parents; and

- b. Timelines for processing referrals including the date that initiates the 20-day timeline for conducting the referral/identification meeting.
- c. School personnel, parents and agencies are informed of referral procedures.

For students with disabilities potentially in need of a surrogate parent, procedures must ensure that:

1. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:
 - a. The parent of the student cannot be identified or located.
 - b. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.
 - c. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student.
 - d. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has taken steps to appoint a surrogate parent for the student.
 - e. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.
2. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student.
3. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
 - a. Determine whether there is a need for a surrogate parent for a student;
 - b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
 - c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.
4. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14.
 - a. The district will appoint a person that will be responsible for training surrogate parents;
 - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
 - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
 - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
 - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
5. The district will ensure that:
 - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
 - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
 - c. All persons serving as surrogate parents are at least 18 years of age;
 - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
 - e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

Policy #3:

Students with disabilities are evaluated according to N.J.A.C. 6A:14-2.5 and 3.4.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-2.5 and 3.4, no additional written procedures are required.

Policy #4:

An individualized education program is developed, reviewed and as appropriate, revised according to N.J.A.C. 6A:14-3.6 and 3.7.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-2.6 and 3.7, no additional written procedures are required.

Policy #5:

To the maximum extent appropriate, students with disabilities are educated in the least restrictive environment according to N.J.A.C. 6A:14-4.2.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.2, no additional written procedures are required.

Policy #6:

Students with disabilities are included in statewide and districtwide assessment programs, with appropriate accommodations, where necessary, according to N.J.A.C. 6A:14-4.10. All students with disabilities will participate in statewide assessments or the applicable alternate assessment, in grades 3, 4, 5, 6, 7, 8, and high school in the applicable courses.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.10, no additional written procedures are required.

Policy #8:

A free, appropriate public education is available to all students with disabilities between the ages of three and 21, including students with disabilities who have been suspended or expelled from school.

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are suspended or expelled must ensure that:

1. School officials responsible for implementing suspensions/expulsions in the district are identified.
2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager.
3. A system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons.
4. Suspension from transportation is counted as a day of removal if the student does not attend school.
 - a. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.
5. Removal for at least half of the school day is reported via the Electronic Violence and Vandalism Reporting System.
6. If the district has an in-school suspension program, participation in the program is **not** considered a removal when determining whether a manifestation determination must be conducted if the program provides the following:
 - a. Opportunity for the student to participate and progress in the general curriculum;
 - b. Services and modifications specified in the student's IEP;
 - c. Interaction with peers who are not disabled to the extent they would have in the current placement; and
 - d. The student is counted as present for the time spent in the in-school suspension program.
7. When a series of short-term removals will accumulate to more than 10 school days in the year:
 - a. School officials and the case manager consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2;
 - b. Written documentation of the consultation between school officials and the case manager is maintained;
 - c. If it is determined that there is no change in placement, school officials, the case manager and special education teacher consult to determine the extent to which services are necessary to:

1. Enable the student to participate and progress appropriately in the general education curriculum; and
 2. Advance appropriately toward achieving the goals set out in the student's IEP; and
 3. Written documentation of the consultation and services provided is maintained.
8. Steps are in place to convene a meeting of the IEP team and, as necessary or required, conduct a functional behavioral assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004 20 U.S.C. §1415 et seq.

Procedures regarding the provision of a free, appropriate public education to preschool age students with disabilities must ensure that:

Eligible preschool age children who are not participating in an early intervention program have an IEP in effect by their third birthday. Steps include:

1. Responding to referrals according to N.J.A.C. 6A:14-3.3(e)
2. Having a program in place no later than 90 calendar days from the date of consent.

Procedures regarding the provision of a free, appropriate public education to students with disabilities who are advancing from grade to grade must ensure that:

A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:

1. As part of a reevaluation, the IEP team determines that the student continues to require specially designed services to progress in the general education curriculum; and
2. The use of functional assessment information supports the IEP team's determination.

Policy #9:

Children with disabilities participating in early intervention programs assisted under IDEA Part C who will participate in preschool programs under this chapter will experience a smooth transition and have an individualized education program developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.3

1. A child study team member of the district will participate in the preschool transition planning conference arranged by the designated service coordinator from the early intervention system and will:
 - a. Review the Part C Individualized Family Service Plan for the child;
 - b. Provide the parent(s) written district registration requirements;
 - c. Provide the parents written information with respect to available district programs for preschool students, including general education placement options; and
 - d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.
2. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

Policy #10:

Full educational opportunity to all students with disabilities is provided.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1, no additional written procedures are required.

Policy #11:

The compilation, maintenance, access to and confidentiality of student records are in accordance with N.J.A.C. 6A:32-7.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:32-7, no additional written procedures are required.

Policy #12:

Provision is made for the participation of students with disabilities who are placed by their parents in nonpublic schools according to N.J.A.C. 6A:14-6.1 and 6.2.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-6.1 and 6.2, no additional written procedures are required.

Policy #13:

Students with disabilities who are placed in private schools by the district board of education, are provided special education and related services at no cost to their parents according to N.J.A.C. 6A:14-1.1(d) and N.J.A.C. 6A:14-7.5(b)3.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.1 and 7.5(b)3, no additional written procedures are required.

Policy #14:

All personnel serving students with disabilities are highly qualified and appropriately certified and licensed, where a license is required, in accordance with State and Federal law.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)13, no additional written procedures are required.

Policy #15:

The in-service training needs for professional and paraprofessional staff who provide special education, general education or related services are identified and that appropriate in-service training is provided. The district board of education shall maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;
2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;
3. Acquire and disseminate to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials and technology;
4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and
5. Provide for joint training activities of parents and special education, related services and general education personnel.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)14, no additional written procedures are required.

Policy #16:

Instructional materials will be provided to blind or print-disabled students in a timely manner.

Instructional materials will be provided to blind or print-disabled students in accordance with a plan developed by the district. The plan will be the Individualized Education Program of each student with a disability, which will set forth the instructional materials needed, how they will be provided, and address any assistive technology needed to permit the student to utilize the materials.

Policy #17:

For students with disabilities who are potentially eligible to receive services from the Division of Developmental Disabilities in the Department of Human Services, the district will provide, pursuant to the Uniform Application Act, N.J.S.A. 30:4-25.10 et seq., the necessary materials to the parent to apply for such services.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)17, no additional written procedures are required.

Policy #18:

When the school district utilizes electronic mail, parents are informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. If this is permitted,

parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent as required by N.J.A.C. 6A:14.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-1.2(b)18, no additional written procedures are required.

Policy #19:

The school district will provide teacher aides and the appropriate general or special education teaching staff time for consultation on a regular basis as specified in each student's IEP.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-4.5(d), no additional written procedures are required.

***Policy #20:**

The school district has a plan in effect to establish stability in special education programming. The plan takes into account the consistency of the location, curriculum, and staffing in the provision of special education services.

Procedures:

Due to the specificity of the requirements at N.J.A.C. 6A:14-3.7(c)4, no additional written procedures are required.

***Policy #21:**

The school district screens students who have exhibited one or more potential indicators of dyslexia or other reading disabilities in accordance with N.J.S.A. 18A:40-5.1 et seq. The district board of education shall maintain information to demonstrate its efforts to:

1. Select and implement age-appropriate screening instruments for the early diagnosis of dyslexia and other reading disabilities;
2. Ensure that each student enrolled in the district who has exhibited one or more potential indicators of dyslexia or other reading disabilities is screened for dyslexia and other reading disabilities using the selected screening tool no later than the student's completion of the first semester of second grade;
3. Develops a procedure to screen eligible newly-enrolled students in accordance with the legislation;
4. Ensures the screening is administered by a teacher or other teaching staff member properly trained in the screening process for dyslexia and other reading disabilities; and
5. Ensures that students who are diagnosed with dyslexia or other reading disability receive appropriate evidence-based interventions.