

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5020**

**Name: Role of Parents/Guardians**  
**Board Approval Date: November 22, 2011**

The Board of Trustees of the Burch Charter School of Excellence believes that the education of children is a joint responsibility, one it shares with parents/legal guardians of students and the school community. To ensure that the best interests of the child are served in this process, a strong program of communication between home and school must be maintained and parental involvement in school concerns encouraged.

The Board recognizes the vital role of parents/guardians in the welfare and education of their children and the pivotal part they play in shaping character and values. Because parents/guardians are familiar with the needs, problems, gifts and abilities of their children, staff should seek to involve parents/guardians as much as possible in the planning of the individual program. Parents/guardians must, by law, be included in the development of certain educational programs for their children.

The Board is committed to being responsive to the concerns and issues of parents and guardians.

### **Parent/Guardian/Adult Responsibility**

The Board believes that children benefit when parents, legal guardians, grandparents, and all adults in a child's life recognize and discharge a responsibility to encourage and support the learning process. The Board supports the position that "it takes a whole village to raise a child." Therefore, the Board encourages each and every adult in a child's life and in the greater Irvington community to help children learn by:

1. Maintaining an active interest in each child's daily work and making it possible for the child to complete assigned homework by providing a quiet place and suitable conditions for study.
2. Spending time reading with each child each and every day;
3. Sending children to school regularly and on time;
4. Sending children to school with proper attention to health, personal cleanliness and dress. It is the parent/guardian's responsibility to ensure children are properly clothed in full school uniform;
5. Requiring that children obey all school rules and by accepting responsibility for a child's improper conduct;
6. Reading written communications from the school, and signing and returning them promptly when so requested;
7. Attending conferences arranged for the exchange of information on the child's progress in school;
8. Scheduling family matters to minimize interference with school time; and
9. Recognizing that parent, guardian and adult involvement in a child's life is not limited to preschool and elementary school, but is a critical factor for student achievement.

Parents/guardians are requested to keep the school apprised of changes in factors in the home situation that may affect student conduct or performance. Parents/guardians are specifically requested to inform the school of any changes in legal custody of the child.

It is the position of the Board that parents or legal guardians bear the ultimate responsibility for their children's in-school behavior as well as behavior on the way to and from school – whether the student is walking or on public transportation – including the behavior of students who have reached the legal age of majority, but are still, for all practical purposes, under parental authority.

### **Rights of Parents**

The Board recognizes that the parents or legal guardians of each child are ultimately responsible for the care and custody of that child, and that both parents and/or legal guardians share that responsibility equally. The Board recognizes as well that where only one parent has legal custody of a child, the rights and responsibilities of the other parent may be limited.

The Board will presume that each natural or adoptive parent or legal guardian of a student enrolled in this district possesses full parental rights of access to the student and to information about the student, notwithstanding any separation of the parents or legal guardians or dissolution of their marriage. Accordingly, and in the absence of notice to the contrary, the Board directs the Chief School Administrator and/or designee to accommodate the needs of both parents and legal guardians concerning access to their child, to their child's teachers, and to information about their child.

Every parent, except as prohibited by federal and state law, shall have access to records and information pertaining to his or her unemancipated child, including but not limited to, medical, dental, insurance, child care, and educational records, whether or not the child resides with the parent, unless that access is found by a court to not be in the best interest of the child or the access is found by the court to be sought for the purpose of causing detriment to the other parent.

The place of residence of either parent shall not appear on any records or information released pursuant to the provisions of this section.

A child's parent, guardian or legal custodian may petition a court to have the other parent's access to the records limited. Proper notice of court action consists of the custodial parent's sworn affidavit or certification supported by a copy of the pertinent portion of a legal agreement or court order that awards custody and establishes the rights and limitation of the noncustodial parent or terminates the parental rights of the noncustodial parent.

### **Publication and Release of Student Information**

The Board of Trustees recognizes the privacy rights of each and every student. Therefore, no information, name or address, or photo image shall appear on the district Web site and/or any material published by the district and any news release or media coverage of any student shall occur without parental or guardian permission allowing said release of information as delineated above. The Board directs the Chief School Administrator to develop guidelines and regulations to accomplish this mandate.

The Chief School Administrator shall develop procedures and regulations to implement this policy. These regulations shall include use of the parent/guardian's native language when necessary.

### **Legal References:**

N.J.S.A. 18A:35-4.9	Student promotion and remediation; policies and procedures
N.J.S.A. 18A:35-22	Notice to parents that child identified as eligible for enrollment; option of declining enrollment; involvement of parents in program
N.J.A.C. 6A:8-4.3	Accountability
N.J.A.C. 6A:14-1.1	Special Education
N.J.A.C. 6A:32-12.1	Reporting requirements
N.J.A.C. 6A:32-12.2	School-level planning
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.	

Corresponds to NJSBA Policy No. 5020

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5111**

**Name: Admission**  
**Board Approval Date: August 14, 2017**

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### **Eligibility**

All students applying to the Burch Charter School of Excellence shall be registered in their home public school district. Students being homeschooled, attending private school, transferring into the district or otherwise not registered, shall register in their public school prior to enrollment. All New Jersey public school districts shall admit and register to its schools free of charge the following persons over five (5) and under 20 years of age:

Any student domiciled within the district;

Any student kept in the home of a person other than the student's parent/guardian, where the person is domiciled in the school district and is supporting the student without remuneration as if the student were his/her own child;

Any student kept in the home of a person domiciled in the district, other than the parent/guardian, where the parent/guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency;

Any student whose parent/guardian temporarily resides within the district, notwithstanding the existence of a domicile elsewhere;

Any student whose parent/guardian moves to another district as the result of being homeless, subject to the provisions of the administrative code;

Any student whose parent/guardian moves to another district as the result of being homeless, subject to the provisions of the administrative code;

Any student previously residing in the district if the parent/guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency pursuant to statute; and

Any student residing on federal property within the state pursuant to statute.

### **Proof of Eligibility**

The Board of Trustees shall accept any of the forms of documentation that are listed in the administrative code when they are presented by persons attempting to demonstrate a student's eligibility for enrollment in the school. The Board shall consider the totality of information and documentation offered by an applicant and may accept other forms of documentation or information presented by a person seeking to enroll a student.

The Board shall not require or request any information or document protected from disclosure by law or pertaining to criteria that are not legitimate bases for determining eligibility to attend school.

### **Admission Process**

In November of each year, the Chief School Administrator will cause to be advertised the early December date of the Open House Enrollment presentations in local papers. All matters of school life, curriculum, rules and requirements will be discussed at these meetings and application paperwork will be available. Advertisement will also occur on the school Web page. All students applying for acceptance to Burch Charter School of Excellence must be registered in their home school districts.

The application period will occur in December and early January with the deadline for applications eligible for lottery being around January 7<sup>th</sup>. Also, during January, each existing student will declare, by signed parental form, his/her intention to re-enroll for the next school year. If a student does not return the form, it will be assumed that he/she is not returning to Burch Charter School of Excellence. The available positions

open to new students will be calculated based on the number of returning students. If sufficient space is available, all applicants eligible for kindergarten and registered in a public school will be invited to enroll. If space is limited, then applicants making the enrollment deadline will be invited to enroll in the following order based on grade level.

1. Siblings of existing students
2. Students from the region of residence
3. Students from outside the region of residence

If more students from the region of residence apply by the deadline than space available, after deducting the slots allotted to the siblings of existing students, a lottery will be held around January 10<sup>th</sup>. If slots are still available after all region of residence students are enrolled, then outer region applicants who applied by the deadline, will be chosen by lottery in mid-January.

All applications must be completed in full, including all essay questions. Applications may be accepted by personal delivery, mail, fax or e-mail. Applications to Burch Charter School of Excellence must be received by the January deadline, not merely postmarked by that date. Applications that are faxed to the Burch Charter School of Excellence must be received by midnight on the January deadline and the Board of Trustees is in no way responsible for malfunction of the fax machine. Applications e-mailed to the Burch Charter School of Excellence must be received in the designated e-mail folder by midnight of the January deadline. The Board of Trustees is not responsible for any computer system malfunctions.

### **Waiting list**

After all students who applied by the January deadline have been invited to enroll, students from the waiting list will be selected, based on grade levels, until all slots are filled. The waiting list will be formed by lottery number order. Students who have been accepted for enrollment, and are found not to be registered in their home school districts, will be notified by phone and mail that they are disenrolled. All school waiting lists shall expire annually and all waiting applicants subject to reapplication.

### **Enrollment**

The school business administrator, in conjunction with the Chief School Administrator, shall annually, in accordance with state requirements, file with the commissioner a report certifying the numbers of students enrolled by grade; students in approved programs, as defined by statute/code; students enrolled in public or private schools to which the board is paying tuition; and students receiving home instruction.

### **Kindergarten**

Any child meeting the requirements set above shall be admitted to the kindergarten provided:

The child will have attained the age of five (5) years on or before October 1 of that school year;

Proof shall be furnished of immunization against the communicable diseases at the time of enrollment or such immunization shall be completed within 30 days from date of entry into the school;

The child shall have been examined by either the school or a private physician, and the results shall be furnished to the school on the form provided.

### **Grade One**

Any child meeting the requirements above all shall be admitted to grade one provided:

The child will have attained the age of six (6) years on or before October 1 of that school year;

He/she has been in the first grade in another public school

Proof has been furnished of immunization against communicable diseases.

### **Transfers into Grades Two through Twelve**

Students transferring into the school are expected to present copies of records from the previously attended school to aid in placement. Also required are proof of immunizations and proof of identity.

Within the time prescribed by law, the Chief School Administrator shall request in writing from the school of previous attendance, the student's records.

Initial placement shall be made on the basis of the records, but adjustment may be made at the discretion of the administration when the state-mandated assessment indicates that such adjustments would be beneficial to the child. Parents/guardians shall be informed of this policy on registration.

### **Joint Custody**

When divorced parents/guardians have joint custody of a minor child or children, admission shall be based on the present address of the parent/guardian with whom the child(ren) resided as of the date required by administrative code.

### **Affidavit Students**

When there is any doubt as to whether a child is entitled to free public education in the school, all procedures of law and code shall be followed.

### **Nonresidents**

A nonresident is any child who does not reside within the district of residence or region.

The admission of any child who does not reside within the district of residence or region is subject to the availability of space and the participation in the non-resident lottery. No child otherwise eligible shall be denied admission on the basis of the child's race, creed, color, national origin, gender, or disability.

### **Students Returning from County Detention**

The school shall accept all days of attendance and courses studied by a student at a county juvenile detention center and apply them toward school requirements.

### **Homeless Pupils**

Each child of a homeless individual and each homeless youth shall have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths of this district. Homeless children and youths shall also have access to the education and other services that they need to ensure they have an opportunity to meet achievement standards of the New Jersey Student Learning Standards to which all students are held.

The homeless liaison will provide any assistance necessary and requested for the prompt enrollment of the student. The district will determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as, pertinent federal law.

The chief school administrator or his or her designee shall ensure that the parent/guardian or adult student is given written notice, at the time the child or youth seeks enrollment in the school, and at least twice annually while the child or youth is enrolled, that describes the general rights provided under the McKinney-Vento Homeless Assistance Act and specifically states the choice of schools the children and youths are eligible to attend. This notice must be signed by the parent/guardian.

The Board shall make this policy available to parents and the public.

**Legal References:**

N.J.S.A. 18A:7B-12	District of residence; determination
N.J.S.A. 18A:7B-12.1	Homeless child; responsibility for education; determination of placement; payment of costs
N.J.S.A. 18A:7C	High School Graduation Standards
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A. 18A:36-25.1	Proof of child's identity required for enrollment; transfer of record between districts
N.J.S.A. 18A:36A-1 et seq.	Charter School Program Act of 1995
<u>N.J.S.A. 18A:38 et seq.</u>	School attendance
N.J.S.A. 18A:38-1	Attendance at school free of charge
N.J.S.A. 18A:38-2	Free attendance at school by nonresidents placed in district under court order
N.J.S.A. 18A:38-3	Attendance at school by nonresidents
N.J.S.A. 18A:38-4	Free attendance to persons over age
N.J.S.A. 18A:38-5	Admission of students under age
N.J.S.A. 18A:38-5.1	No child to be excluded from school because of race, etc.
N.J.S.A. 18A:38-6	Time of admission of students; first school year
N.J.S.A. 18A:38-7.7	Legislative findings and declarations
N.J.S.A. 18A:38-8	Duty to receive students from other districts
N.J.S.A. 18A:38-25	Attendance required of children between six and 16; exceptions
N.J.S.A. 18A:40-20	Immunization at public expense
N.J.S.A. 18A:44-1	Establishment of nursery schools or departments; eligibility for admission
N.J.S.A. 18A:44-2	Establishment of kindergarten; eligibility for admission
N.J.S.A. 26:1A-9.1	Exemption of students from mandatory immunization
N.J.S.A. 26:4-6	Prohibiting attendance of teachers or students
N.J.S.A. 6A:11-1 et seq.	Charter Schools
N.J.A.C. 6A:12-3.1	Choice district application procedures
N.J.A.C. 6A:14-1.1 et seq.	Special Education
N.J.A.C. 6A:16-2.2	Required health services

N.J.A.C. 6A:16-2.4	Required student health records
N.J.A.C. 6A:1-1.1 et seq.	Students at Risk of Not Receiving a Public Education
N.J.A.C. 6A:22-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:22-3.1, -3.2, -3.3, -3.4	Entitlement to Attend School Based on Domicile or Student Residency
N.J.A.C. 6A:23-5.2, -5.3	Method of determining the district of residence
N.J.A.C. 6A:32-8.2	School enrollment
N.J.A.C. 8:57 <u>See particularly:</u> N.J.A.C. 8:57-2	Communicable diseases
N.J.A.C. 8:61-1.1	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)

McKinney-Vento Homeless Assistance Act, 42 U.S.C.A. 11301 et seq.

Tepper v. Bd. of Ed. of Township of Hackensack, Bergen County, 1971 S.L.D. 549

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

Plyler v. Doe, 457 U.S. 202 (1982)

Plainfield Bd. of Ed. v. Cooperman, 105 N.J. 587 (1987)

J.A. v. Bd. of Ed. of South Orange/Maplewood, 318 N.J. Super 512 (App. Div. 1999)

Corresponds to NJSBA Policy No. 5111

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5113**

**Name: Attendances, Absences and Excuses**  
**Board Approval Date: November 22, 2011**

The Burch Charter School of Excellence Board of Trustees believes that the regular attendance of students in each class and in school in general is critical to its educational mission.

Continuity of instruction is an essential element in student performance and allows students the greatest opportunity to succeed at meeting the state learning standards in the Core Curriculum Content Standards. A student must attend 90 percent of the school year in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she is assigned.

The Chief School Administrator shall oversee the development of effective strategies that maximize student attendance at all scheduled periods of actual instruction or supervised study activities and strive to:

- A. Encourage good attendance;
- B. Discourage unexcused absences;
- C. Identify patterns of absence, tardiness and early departures from school; and
- D. Intervene to prevent and correct problems with attendance.

### Definitions

- A. "Attendance" is a student's presence in school and in the classroom to which he or she is assigned at the times scheduled for instruction or other school activities. A school day shall consist of not less than four hours of actual instruction. An approved kindergarten school day shall consist of at least one continuous session of 2½ hours.

The mere presence of a student at roll call shall not be regarded as sufficient to be considered in attendance for a school day. A student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.

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

- B. "Excused absence" is a student's absence from school for a full day or a portion of a day for one or more of the following reasons:
  - 1. The student's illness;
  - 2. Requirements of a student's individual health care plan;
  - 3. A death or critical illness in the student's immediate family, or others with permission of the Chief School Administrator;
  - 4. Quarantine;
  - 5. Observance of the student's religion on a day approved for that purpose by the state Board of Education;
  - 6. The student's suspension from school;
  - 7. Requirements of the student's Individualized Education Program (IEP);
  - 8. Alternate short or long-term accommodations for students with disabilities;
  - 9. The student's required attendance in court;

10. Interviews with an admissions officer of an educational institution;
  11. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
  12. Such good cause as may be acceptable to the Chief School Administrator.
- C. Attendance need not always be within the school facilities. A student will be considered to be in attendance if he/she is present any place where school is in session by authority of the Board. The Board shall consider each student assigned to a program of independent study, with parent/guardian permission, to be in regular attendance for that program, provided that he/she is under the guidance of a staff member so assigned, reports daily or weekly, as prescribed, to such staff member the place in which he/she is conducting his/her study, and regularly demonstrates progress toward the objectives of his/her course of study.
- D. "Unexcused absence" is a student's absence for all part of a school day for any reason other than those listed in paragraph "Excused Absences" above. Absence is expressly not excused for any of the following purposes (this list is not exhaustive):
1. Family travel;
  2. Performance of household or babysitting duties; and
  3. Other daytime activities unrelated to the school program.

### **Tardiness**

The orderly conduct of this class activity depends upon the prompt and precise beginning of the program. Tardiness hinders the proper conduct of school activity. Students are expected to arrive to school and class on time. A student who is tardy to any class will be subject to disciplinary action as outlined in Policy No. 5131 Conduct and Discipline and the student code of conduct. Consequences for accumulated occurrences of tardiness may include detention, loss of credit and an unexcused school day of absence.

### **Attendance**

In order for the Board of Trustees to fulfill its responsibility for providing a thorough and efficient education for each student, the complete cooperation of parents/guardians and students is required to maintain a high level of school attendance.

The frequent absence of students from classroom learning experiences disrupts the continuity of the instructional process and limits the ability of students to complete the prescribed curriculum requirements successfully. The following rules shall apply for student absences:

- A. A student shall be considered absent from class for tardiness in excess of one half of the total class period;
- B. A student shall be considered absent from school participation in less than four instructional hours during the school day.

A student must be in attendance for 180 or more school days in order to be considered to have successfully completed the instructional program requirements of the grade/course to which he/she assigned.

A waiver of these attendance requirements may be granted for a good cause by the Chief School Administrator upon recommendation of a review committee, appointed by him/her, and consisting of representative staff, including student service personnel and classroom teachers.

In recommending the granting of a waiver of this attendance requirement, the review committee shall consider the nature and causes of all absences rather than only those in excess of four (4) days. Documentation of the nature and causes of this absences shall be the responsibility of the student and parent/guardian.

### **Reporting an Absence**

Parents/guardians are responsible for notifying the school before 8:00 a.m. the day of the student's absence by calling the main office.

A student will present to the main office a physician/dentist/psychologist note indicating date, reason for absence (medical diagnosis). This note will be presented immediately upon the student's return to school but no later than five (5) school days after the student's return.

### **Excused Absences**

The Board of Trustees will consider the following as cause for excused absences:

- Disabling illness, accompanied by a physician's note and diagnosis;
- Recovery from an accident;
- Required court attendance with supporting documentation from the court clerk;
- Death in the family;
- Religious observance in accordance with statute, no student absent for religious observance of a day recognized by the Commissioner of Education of Burch Charter School of Excellence Board of Trustees shall be charged with an unexcused absence, deprived of an award of eligibility/opportunity to compete for an award, or of the right to take an alternative to a test or examination missed through such absence
- Such good causes as may be acceptable to the Chief School Administrator.

### **Unexcused Absences**

When a student fails to report to class or school accumulating up to four (4) unexcused absences, the school shall:

- A. Make a reasonable attempt to modify the student's parents/guardians of each unexcused absence the day of the unexcused absence;
- B. Attempt to contact the parents/guardians by telephone, e-mail and/or cellular phone to determine the cause of the unexcused absence;
- C. Develop an action plan to assist the student to return to school and maintain regular attendance.

If contact through these means is unsuccessful the school may follow-up with another attempt to contact the parents/guardians or send a letter reporting the unexcused absence and requesting the parent/guardian to contact the school.

If at any time it is suspected that there is a potential of abuse, neglect and/or a student is potentially missing the school shall implement all procedures required by law including reporting protocols, notification of parents/guardians and cooperation with law enforcement and other authorities and agencies, as appropriate.

### **Persistent Absences**

If a pattern of unexcused absences continues and five (5) to nine (9) absences are accumulated, the school shall:

- A. Make a reasonable attempt to notify the student's parent/guardians of each unexcused absence the day of the unexcused absence;
- B. Attempt to contact the parents/guardians by telephone, e-mail and/or cellular phone to determine the cause of the unexcused absence;
- C. Conduct a follow-up investigation by contacting the student's parents/guardians in writing to determine the cause of each unexcused absence;
- D. The Chief School Administrator or his/her designee shall schedule a meeting with the parent/guardian and the student.

The purpose of this meeting shall be to evaluate the appropriateness of the action plan to assist the student to return to school and maintain regular attendance. The plan shall be reviewed and revised in coordination with the parent/guardian and may include the participation of the

classroom teacher, school nurse, guidance counselor, principal or chief school administrator or other appropriate staff. The plan shall establish outcomes based upon the student's needs and specify the interventions for achieving the outcomes and supporting the student's return to school and regular attendance. That plan may include any or all of the following:

1. Referral or consultation with the building's Intervention and Referral Services team;
2. Testing, assessments or evaluations of the student's academic, behavioral and health needs;
3. The consideration of an alternate educational placement;
4. Referral to a community-based social and health provider agency or other community resource;
5. Referral to the court program designated by the New Jersey Administrative Office of the Courts;
6. The implementation of all required procedures for potential abuse, neglect or missing child including cooperation with law enforcement and other authorities and agencies, as appropriate.

### **Discipline**

All discipline regarding the attendance of students shall be consistent with Policy No. 5131 Conduct and Discipline and the code of student conduct. Consequences for absences may include:

- A. Students may be denied participation in co-curricular activities if their attendance fails to meet the standards set forth herein;
- B. Students may be denied participation in athletic competition if their attendance fails to meet the standards set forth herein;
- C. Loss of partial or total course credit; and
- D. Detention or suspension.

No student who is absent from school for observance of a religious holiday or other excused absence shall be disciplined and/or deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

### **Truancy**

For cumulative unexcused absences of 10 or more, the student between the ages of six and 16 is truant, pursuant to law. The school shall:

- A. Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;
- B. Make a reasonable attempt to notify the student's parents of the mandatory referral;
- C. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
- D. Cooperate with law enforcement and other authorities and agencies, as appropriate;
- E. Follow all procedures required by N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School and other applicable state and federal statutes.

### **Unexcused Absences for Students**

The attendance guidelines, discipline and remedial measures set forth in this policy shall apply to classified students where appropriate and in accordance with the student's:

- A. Individualized Education Program (IEP);
- B. Procedural protections set forth in N.J.A.C. 6A:14;

- C. Alternate short or long-term accommodations for students with disabilities as required by law;
- D. Requirements of a student's individual health care plan.

### **Regular Release of Students Before the End of the Normal School Day**

There are varying situations which may justify release of certain students from school before the normal time for closing. Such situations are justifiable only if the release does not jeopardize the student's educational program and the reasons for such release can be shown to have positive benefits for the student.

### **Late Arrival and Early Dismissal**

The Board of Trustees recognizes that from time to time compelling circumstances will require that a student be late to school or dismissed before the end of the day.

As the agent responsible for the education of its students, the Burch Charter School of Excellence will be notified in advance of such absences by written request of the student's parent/guardian, which shall state the reason for the tardiness or early dismissal. Justifiable reasons may include:

- Medical or dental appointments that cannot be scheduled outside of school hours
- Motor vehicle driver's test
- Interview for college entrance or employment
- Requirements of a student's individual health care plan;
- Requirements of the student's Individualized Education Program (IEP)
- Alternate short or long-term accommodations for students with disabilities
- Medical disability
- Family emergency
- Court appearance
- Such good cause as may be acceptable to the administration

No student in grades kindergarten through 12 shall be permitted to leave the school before the close of the school day unless he/she is met in the school office by his/her parent/guardian or a person authorized by the parent/guardian to act in his/her behalf.

Tardiness not covered by the causes listed shall be cumulative, and may affect course credit.

### **Legal Custody**

A record shall be kept indicating the legal custodian of each student. Such custodian shall be responsible for informing the Board of Trustees of any change in the student's custodian. If one parent/guardian has been awarded custody of the student in a divorce settlement, the other parent/guardian shall present to the Chief School Administrator a letter authorizing him/her to accompany the child from school before the child may be released to him/her. The Chief School Administrator may take such steps as seem necessary to ensure that the child is released only to the proper legal custodian.

### **Potentially Missing Children**

- A. If daily attendance records indicate a child is absent, and the parent/guardian has not called, a designated person shall attempt to contact them.



N.J.S.A. 18A:36-14, -15, -16	Religious holidays; absence of students on; effect
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A. 18A:36-24	Missing children; legislative findings and declarations ...
N.J.S.A. 18A:38-25	Attendance required of children between six and 16; exceptions
N.J.S.A. 18A:38-26	Days when attendance required; exceptions
N.J.S.A. 18A:38-27	Truancy and juvenile delinquency defined
N.J.S.A. 18A:38-31	Violations of article by parents or guardians; penalties
N.J.S.A. 18A:38-32	District and county vocational school attendance officers
N.J.S.A. 18A:40-7	Exclusion of students who are ill
N.J.S.A. 18A:40-8	Exclusion of students whose presence is detrimental to health and cleanliness
N.J.S.A. 18A:40-9	Failure of parent to remove cause for exclusion; penalty
N.J.S.A. 18A:40-10	Exclusion of teachers and students exposed to disease
N.J.S.A. 18A:40-11	Exclusion of students having communicable tuberculosis
N.J.S.A. 18A:40-12	Closing schools during epidemic
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.S.A. 52:17B-9.8a through -9.8c	Marking of missing child's school record
N.J.A.C. 6A:11-4.3	Charter Schools; student attendance
N.J.A.C. 6A:16-1 et seq.	Programs to support student development
N.J.A.C. 6A:3-8.1 et seq.	Student Attendance and Accounting
N.J.A.C. 6A:32-8.3	Student attendance

Wetherell v. Bd. of Ed. of Township of Burlington, 1978 S.L.D. 794

Wheatley v. Bd. of Ed. of City of Burlington, 1974 S.L.D. 851

C.R., on behalf of J.R., v. Bd. of Ed. of the Scotch Plains-Fanwood Regional School District, 1988 S.L.D. (June 22)

Student Attendance Policies and Procedures Compliance Checklist, New Jersey Department of Education

Corresponds to NJSBA Policy No. 5113

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5114**

**Name: Suspension and Expulsion**  
**Board Approval Date: November 22, 2011**

The Burch Charter School of Excellence Board of Trustees believes that children must take responsibility for their behavior in school. They must recognize the rights of other students and teachers in the community to be physically safe, emotionally secure and to be able to pursue learning and working without interference. The school will work closely with any student having difficulty conforming to the rules of the community and will communicate concerns to support of parents in reinforcing the positive environment of the school. Therefore, students must comply with the rules and responsibilities as established for the community according to law and code for the governance of schools. They must follow the prescribed course of study and submit to the authority of the teachers and others in authority over them.

While the Board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize students for violations of school regulations to ensure the good order of the school and to teach the consequences of disruptive behavior.

Any student who does not comply with school policies/rules or who exhibits disruptive or particularly dangerous behavior will be subject to disciplinary action, suspension and/or expulsion from school. Disruptive behavior includes but is not limited to the following:

1. Continued and willful disobedience;
2. Open defiance of authority or any teacher in person or in authority, including assault upon a teacher or other adult;
3. Conduct which impacts/infringes upon the wellbeing of the student or of other pupils;
4. Physical assault upon another student with or without a firearm or other weapon or toy weapon;
5. Theft or attempted theft of any property belonging to someone else, whether by force or fear;
6. Willfully causing or attempting to cause substantial damage to school property;
7. Conduct resulting in repeated classroom disruption;
8. Poor attendance and lateness;
9. Truancy and cutting class; leaving school property without permission;
10. Taking part in any unauthorized occupancy of the school and refusing to leave promptly when directed to do so by a person in authority;
11. Inciting others to take part in an unauthorized occupancy;
12. Inciting others to truancy;
13. Use of any tobacco product on school property;
14. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
15. Use of profanity or abusive language;
16. Turning in a false alarm;
17. Tampering with or damaging property of other students or staff members;
18. Failure to report to assigned detentions;
19. Use or possession of unsafe or illegal articles;
20. Selling or buying lottery tickets or any other gambling paraphernalia on school property;

21. Harassment, intimidation or bullying.

Students who display chronic behavioral or academic problems may be referred to the child study team by the Chief School Administrator for appropriate programs and services. Such referral shall be in strict accordance with due process regulations prescribed in the New Jersey Administrative Code (N.J.A.C. 6A:14-2.7) When an alternative educational program is recommended for the student identified by the child study team as disruptive but not emotionally handicapped, the Chief School Administrator will inform the Board of Trustees.

**Suspension**

Serious violations of school regulations, which create a dangerous or unsafe condition for other students, shall cause a student to be suspended. A student will not be allowed to return to school without a parent/guardian conference following a suspension. Juvenile authorities and law enforcement agencies shall be notified or consulted, if necessary.

**In-School Suspension**

The Board directs the administration to arrange facilities for in-school suspension whenever possible. Students will be required to occupy themselves with school-related work during such suspensions. No socializing shall be permitted. Students shall be counted as present in school but absent (excused) from individual classes.

**Out-of-School Suspension**

Students will face automatic out-of-school suspension for continued fighting or continued classroom disruption. Every effort shall be made to adjust each suspension promptly so that the student can return to school with a minimum loss of school time and schoolwork. Except when special considerations warrant (at the discretion of the administration), every student will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

Students on home suspension shall be counted absent (excused) unless the duration of the suspension requires home instruction.

Students under suspension are prohibited from participating in or attending any school-regulated activity during the period of their suspension. They may not enter the school buildings or grounds of the school without the permission of the Chief School Administrator. Any student under suspension who enters the school buildings or ground without the permission of the Chief School Administrator may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the Board of Trustees, acting upon the recommendation of the administration.

Serious violations of school regulations that create a dangerous or unsafe condition for other students shall cause a student to be suspended upon the first offense.

**Making Up Missed Work**

Students who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The Chief School Administrator will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

**Due Process**

The child shall remain out of school as follows:

1. For the amount of time set by the Chief School Administrator; or
2. If an appeal has been made to the Chief School Administrator and it is decided in the child's favor; or
3. If an appeal has been denied, and the Board has met to hear the Chief School Administrator's recommendation.

**Procedures**

The administration shall establish, and the board shall approve, specific procedures for dealing with suspension cases. Regulations ensuring due process to all students before a suspension is imposed shall be developed with the advice of the board attorney and shall include at least:

- A. Informing the student and parent/guardian of the charges against him/her;
- B. Giving the student and parent/guardian a chance to reply to them.

These regulations shall also include safeguards for the dismissal of students suspended from school, procedures for calling an immediate conference with parents/guardians, limitations on the length of suspensions, and specifics for the reinstatement of students.

When the Chief School Administrator imposes a suspension, he/she must report it to the Board. No suspension for reasons other than the assault upon a teacher, administrator, board member or other board employee may continue beyond the second regular meeting of the Board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or other board employee may be continued beyond 30 days without board action. A suspended student may be reinstated by the Chief School Administrator before board action.

Each student shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the student or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Students suspended for a period of time longer than a short-term suspension shall be afforded a formal hearing before the Board, which shall take place not later than the second regular meeting of the Board following the suspension. If the offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after the suspension occurs.

The Board shall make a decision within five days of the close of the hearing. Any appeal of the Board's decision shall be made to the Commissioner of Education within 90 days of the Board's decision.

The Board requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended student who has requested a formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the Chief School Administrator, assign the student to an alternate educational program to meet his/her particular needs.

### **Firearms, Assault and Expulsion**

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) with or without a weapon, upon a board member, teacher, administrator or other employee of the Board of Trustees shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Federal and state laws require that any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm, or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Chief School Administrator may modify this suspension on a case-by-base basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

The Chief School Administrator shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

### **Expulsion**

The power to expel is reserved to the Board of Trustees, acting upon the recommendation of the Chief School Administrator. If a student younger than 18 years of age is expelled, the Board must continue to supply an educational program for him/her.

Before expulsion proceedings begin, the student may be referred to the child study team for a comprehensive evaluation. The parents/guardians of the student shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the student to a full hearing that affords him/her procedural due process, and the right of parents/guardians to appeal to the Chief School Administrator.

The Board will consider expulsion only if:

- A. The Chief School Administrator with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or
- B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.
- C. The child shall remain out of school until either:
- D. An appeal made to the Chief School Administrator is decided in the child's favor; or
- E. An appeal (if made) has been denied and the Board has met to hear the Chief School Administrator's recommendation.

If the Board determines that the charges, if true, may warrant expulsion, the Board will set a date for the hearing. The board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The student and parent/guardian must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to cross-examine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

### **Implementation**

The Chief School Administrator shall develop written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the Board as required on its effectiveness.

When an alternative educational program is provided for a student identified as disruptive but not disabled, the Chief School Administrator shall inform the Board.

### **Legal References:**

N.J.S.A. 2C:12-1	Definitions of assault
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:36-9	Withdrawal, expulsion from Charter School
N.J.S.A. 18A:37-1 et seq. <u>See particularly:</u> N.J.S.A. 18A:37-2.1 through -2.5, 18A:37-7 through -12	Discipline of students
N.J.S.A. 18A:40A-1 et seq. <u>See particularly:</u> N.J.S.A. 18A:40A-9, -10, -11, -12	Substance abuse
N.J.A.C. 6A:14-2.8	Discipline/suspension/expulsions

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly: N.J.A.C. 6A:16-1.3, -4.3, -5.1, -5.5, -5.6, -5.7

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

N.J.A.C. 6A:32-12.2 School-level planning

20 U.S.C.A. 1400 et seq. Section 504 of the Rehabilitation Act of 1973

P.L. 103-382, Improving America's Schools Act of 1994

Goss v. Lopez, 419 U.S. 565, 581 (1975)

Tibbs v. Franklin Township Bd. of Ed., 114 N.J. Super. 287 (App. Div.) aff'd 59 N.J. 506 (1971)

R.R. V. Shore Reg. Bd. of Ed., 109 N.J. Super. 337 (Ch. Div. 1970)

H.A. V. Bd. of Ed. Warren Hills Regional, 1976 S.L.D. 336

82: July 28, C.F. v. Bd. of Ed. of the Upper Freehold Regional School District

Hoenig v. Doe, 484 U.S. 305 (1988)

Somerset County Educational Services Commission v. North Plainfield Board of Education, 1999 S.L.D. September 7

State in re G.S., 330 N.J. Super. 383 (Ch. Div. 2000)

See also Commissioner's Decisions indexed under "Students – Punishment of" in Index to N.J. School Law Decisions

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

Corresponds with NJSBA Policy No. 5114

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5118**

**Name: Nonresidents**  
**Board Approval Date: November 22, 2011**

The Burch Charter School of Excellence Board of Trustees shall operate the school for the benefit of all children who reside within the district of residence or region and such other New Jersey residents as may be admitted, pursuant to statute and policy of the Board. The Board reserves the right to verify the residency of any student and the validity of any affidavit of guardianship. Documentation required to prove eligibility to attend the school shall be in accord with Policy No. 5111 Admission and the administrative code.

### **Future Residents**

A child otherwise eligible for attendance whose parent/guardian has signed a contract to buy, build or rent a residence within the district of residence or region and has registered with their local school district shall be eligible to participate in the lottery as a resident.

Parents/guardians of children who are future residents shall be required to demonstrate proof of the anticipated residency. The Board reserves the right to verify such claims, and to remove from school a nonresident student whose claim cannot be verified.

### **Former Residents**

Former residents may be permitted to complete the school year at this charter school provided they maintain their enrollment status in the home district. Students whose parents move out of the district of residence or region shall be subject to the applicable policies on tuition costs and admission of the new school district in which they moved into.

### **Homeless Students**

Homeless students registered to attend school in the district of residence or region may apply for admission to this charter school. The school shall work cooperatively with the local school district to determine the educational placement of homeless students in each child's best interest and respond to appeals concerning them made by parents/guardians or other parties in accordance with New Jersey statutes and administrative code, as well as pertinent federal law.

The school will designate a "homeless student liaison" to help the homeless student enroll in school, make sure that the homeless student is enrolled and attending school, and see that the school meets federal and state requirements for educating homeless students.

### **Other Nonresident Students**

Nonresidents of the district of residence or region who attend public school in New Jersey may apply to this charter school and will be admitted on a space-available basis. Nonresident applications shall be considered only after all eligible participants who reside in the district of residence or region have been enrolled. Application and enrollment of nonresidents shall be in compliance with Board Policy No. 5111 Admission.

### **Legal References:**

N.J.S.A. 18A:7F-3	Definitions
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:36A-1 e seq.	Charter School Program Act of 1995
N.J.S.A. 18A:38-1 et seq. <u>See particularly:</u> N.J.S.A. 18A:38-2, -3, -8, -9	Attendance at school free of charge
N.J.S.A. 18A:46-20	Receiving students from outside district; establishment of facilities
N.J.A.C. 6A:11-1 et seq.	Charter Schools
N.J.A.C. 6A:12-1.3	Interdistrict Public School Choice

N.J.A.C. 6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education

N.J.A.C. 6A:22 Student Residency  
See particularly: N.J.A.C. 6A:22-3 Eligibility to attend school

N.J.A.C. 6A:22-3.1 Students domiciled within the school district

N.J.A.C. 6A:23-5.2 Method of determining the district of residence

N.J.A.C. 6A:23-5.3 Address submission for determining the district of residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. 1101

Bd. of Ed. of the Borough of Englewood Cliffs v. Bd. of Ed. of the City of Englewood, 132 N.J. 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)

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

J.A. v. Bd. of Ed. of South Orange/Maplewood, 318 N.J. Super. 512 (App. Div. 1999)

Corresponds with NJSBA Policy No. 5118

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5119**

**Name: Transfers**  
**Board Approval Date: August 14, 2017**

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### TRANSFERS

#### General

All transfers into the schools of the district shall be in accord with file code 5111 Admission. Students transferring into the district are expected to present copies of records from the previously attended school (or district) to aid in placement. Also required are proof of immunizations and proof of identity.

Parents/guardians of pupils or adult pupils transferring from the school shall notify the chief school administrator in a timely manner of their intention to leave the school.

Student records shall be transferred between chief school administrator and the school district within the time frame prescribed by law.

NOTE: IF THE DISTRICT RECEIVES ANY TITLE I FUNDS, THE BOARD MAY WANT TO INCLUDE THIS SECTION COVERING TRANSFERS FROM SCHOOLS THAT HAVE BEEN IDENTIFIED FOR COMPREHENSIVE SUPPORT AND IMPROVEMENT.

#### Intradistrict Transfers

When a school in the district is identified for comprehensive support and improvement as defined by the state, parents/guardians shall be informed of options for students in that school. This may include the option of transferring to another school in the district. Notices to parents/guardians shall list the possible accepting schools and describe information on their performance. Only schools that have achieved adequate yearly progress shall be included on the list.

The lowest-achieving students from the lowest-income families, as identified through federal free or reduced-price lunch statistics, shall be given priority in transferring.

Funding of transportation shall not exceed the limits described in federal law (the Every Student Succeeds Act of 2015). Students may remain in the school into which they have transferred until they have completed the highest grade in that school.

NOTE: THIS SECTION APPLIES TO TRANSFERS THAT OCCUR IN RESPONSE TO DESIGNATION OF A SCHOOL AS "PERSISTENTLY DANGEROUS" OR A STUDENT VICTIM OF A VIOLENT CRIMINAL OFFENSE.

#### Unsafe School Choice Option

The Chief School Administrator shall comply with all requirements of the Unsafe School Choice Option policy adopted by the State Board of Education for schools that receive funds under the No Child Left Behind Act of 2001. He/she shall keep the Board informed of all state requirements and actions taken to implement the policy.

Particularly, if the school is designated as "persistently dangerous" corrective action plans shall be prepared and presented to the Board for review. The corrective action plans shall be in the format provided by the Department of Education and shall describe how the schools will reduce the number of incidents of violence as determined by the Electronic Violence and Vandalism Reporting System (EVVRS).

Likewise, if a student while at school or on school grounds becomes a victim of a violent criminal offense as defined by state statute, he/she shall be offered the option of transferring to another safe school within the district of residence or region.

Any parent/guardian transferring their child(ren) out of a district public school which has been identified as "persistently dangerous" by the State Department of Education may apply to the Burch Charter School of Excellence. All applications shall be in accordance with Board Policy No. 5111 Admission.

Parents/guardians shall be informed according to law and policy.

The Board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

If a school in the district is identified as “persistently dangerous” by the state department of education, all students in that school shall be offered on a space available basis the option of transferring into another school in the district that has not been so designated. Parents/guardians shall be notified within 15 calendar days after the district is notified of the school’s status, and all transfers shall be completed by the beginning of the school year following. To the extent possible, transfers shall be into schools in the district that are making adequate yearly progress. Students may remain in the school into which they have transferred until the school of origin is no longer identified as “persistently dangerous.”

In addition, any student who becomes a victim of a violent criminal offense while in school or on school grounds shall be offered the option of transferring into a safe school within the district. The student shall be given the option within 10 days of the incident, and the transfer shall occur within 30 days of determination that the student was a victim. Applicable definitions and criminal offenses shall be as listed in the statewide policy.

NOTE: THE BOARD MAY CHOOSE TO OFFER TRANSPORTATION, BUT IS NOT OBLIGATED TO DO SO.

Transportation (shall) (shall not) be provided to students transferring out of “persistently dangerous” schools and student victims of violent criminal offenses.

If the board cannot offer a safe school alternative within the district to students choosing to transfer out of a “persistently dangerous” school or to a student who has been a victim of a violent criminal offense, the chief school administrator shall attempt to establish an agreement with a neighboring district. The board shall review and approve any agreement prior to its application.

The chief school administrator shall ensure that the district complies with all requirements of federal law and the state department of education. He/she shall prepare regulations to implement this policy.

**Legal References:**

N.J.S.A. 18A:7B-12	District of residence; determination
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A. N.J.S.A. 18A:36-25.1	Proof of child’s identity required for enrollment; transfer of record between districts
N.J.S.A. 18A:36A-1 et seq.	Charter School Program Act of 1995
N.J.S.A. 18A:36B-1 et seq.	Interdistrict Public School Choice Program
N.J.S.A. 18A:38-8	Duty to receive students from other districts
N.J.A.C. 6A:11-1 et seq.	Charter School
N.J.A.C. 6A:12-3.2	Criteria to guide Commissioner’s approval of choice program applications
N.J.A.C. 6A:23-5.2	Method of determining the district of residence
N.J.A.C. 6A:32-8.2	School enrollment
Every Student Succeeds Act, 114 P.L. 95, 129 Stat. 1802, 114 P.L. 95, 129 Stat. 1802	
Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003	

**The Burch Charter School of Excellence Policy**

**Category: Students**  
**Code: 5120**

**Name: Assessment of Individual**  
**Board Approval Date: November 22, 2011**

Each student shall be assessed upon entrance into the Burch Charter School of Excellence and may be assessed annually thereafter, to identify students not meeting proficiency levels.

The Chief School Administrator shall develop procedures to implement a program of individual student needs assessment that shall include but not be limited to:

- A. Identifying district needs in accordance with mandated goals; development of staff in-service programs; selecting and approving instructional materials; staffing.
- B. Identifying and determining the needs of:
  - 1. Gifted and talented students;
  - 2. Disruptive students;
  - 3. Disaffected students;
  - 4. Potential dropouts;
  - 5. Students who require basic skills improvement programs;
  - 6. Students with limited English proficiency;
  - 7. Students who may require referral to the child study team;
- C. Disseminating results of such assessments to parents/guardians and to appropriate staff and state and federal agencies as required without invading the privacy of the individual student.

The Chief School Administrator or designee shall review all individual assessment procedures annually to ensure that they serve the purpose for which they are intended. At all times, these procedures shall be in full conformity with New Jersey law.

**Legal References:**

N.J.S.A. 18A:7A-10	Evaluation of performance of each school
N.J.S.A. 6A:8-3.1 et seq.	Implementation of the Core Curriculum Content Standard
N.J.A.C. 6A:8-4.1 et seq.	Implementation of the Statewide Assessment System
<u>See particularly:</u> N.J.A.C. 6A:8-4.1(d), -4.3(c)(d), -4.4	
N.J.A.C. 6A:14-1.1 et seq.	Special Education
<u>See particularly:</u> N.J.A.C. 6A:14-3.3, -3.4, -3.8, -4.11, -4.12	
N.J.A.C. 6A:15-1.1 et seq.	Bilingual Education
<u>See particularly:</u> N.J.A.C. 6A:15-1.3, -1.10, -1.11	
N.J.A.C. 6A:16-8.1	Establishment of intervention and referral services
N.J.A.C. 6A:32-2.1	Definitions
N.J.A.C. 6A:32-4.4. (f)4	Evaluation of tenured teaching staff members
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. 5120

### The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5124**

**Name: Reporting to Parents/Guardians**  
**Board Approval Date: November 22, 2011**

The Board of Trustees of the Burch Charter School of Excellence believes that the cooperation of school and home is vital to the growth and education of the whole child. The board directs the Chief School Administrator to use all forms of media including the district Web site as a means of communicating and informing parents of the support services for students and their families.

The Board recognizes its responsibility to keep parents/guardians informed of student progress in school. Parents and guardians should be provided with information regarding curriculum content, grade level and where a student stands in regard to mastery of subjects and skills per district curriculum and the core curriculum content standards. The Board directs the establishment of a system of reporting student progress that shall include written reports, student-teacher conferences, and parent/guardian conferences.

The Chief School Administrator shall develop procedures for reporting student progress which:

- A. Use various methods of reporting appropriate grade level and curriculum content;
- B. Ensure that both student and parent/guardian receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;
- C. Enable the scheduling of parent/teacher conferences in such places and at such times as will ensure the greatest degree of participation by parents/guardians;
- D. Specify the issuance of report cards at intervals of not less than four times during the school year and issuance of deficiency notices as required during the school year;
- E. Ensure the continual review and improvement of methods of reporting student progress to parents/guardians and involve pupils, staff and parents/guardians in that review.

A record shall be kept indicating the legal custodian of each student, so that reports can be made to and conferences arranged with the proper person.

#### **Parental Notification**

The Chief School Administrator shall develop regulations to ensure that parents/guardians are notified in all instances when the law and/or the best interest of the student and the district require it.

#### **Legal References:**

N.J.S.A. 18A:73-2	Second report card program
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:40A-12	Reporting of students under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral
N.J.A.C. 6A:8-4.3	Accountability
N.J.A.C. 6A:8-4.5	Public reporting

N.J.A.C. 6A:14-1.1 et seq. Special Education  
See particularly: N.J.A.C 6A:14-1.1, -2.3, -1.4, -2.5, -2.6, -3.5, -7.9

N.J.A.C. 6A:15-1.1 Bilingual Education  
See particularly: N.J.A.C. 6A:5-1.13, -1.15

N.J.A.C. 6A:16-1.4 District policies and procedures

N.J.A.C. 6A:32-7.1 (d, k) General considerations

N.J.A.C. 6A:32-12.1 Reporting requirements

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

Corresponds with NJSBA Policy No. 5124

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5125**

**Name: Student Records**  
**Board Approval Date: November 22, 2011**

The Burch Charter School of Excellence Board of Trustees shall conform in all respects to the requirements of state and federal law regarding gathering, maintaining, securing, disclosing, allowing access to and destruction of student records.

The Chief School Administrator shall be responsible for the scrutiny of student records maintained in the school. He/she shall formulate and the board shall review administrative procedures to guarantee the safety and security of all student records, and to provide authorized persons and organizations access to these records at a convenient place and time within the limits stipulated by law, i.e., within 10 days of the request but prior to any review or hearing conducted in accordance with the state Board of Education regulations.

Student records shall include all those mandated by the New Jersey administrative code or state statutes, or authorized by administrative directives, and such permitted records as the Board of Trustees shall authorize by resolution at a regular public meeting in order to promote the educational welfare of the student. Records so authorized must comply with code standards as to relevance and objectivity.

The Board of Trustees shall report annually at a public meeting a description of the types of student records it has authorized certified school personnel to collect and maintain.

Student records shall contain only such information as is relevant to the education of the student, and is objectively based on the personal observations or knowledge of the originator of the record.

All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.

Parents/guardians shall be notified annually in writing of their rights in regard to student records. Such rights include:

- A. Notification of rights in writing, in dominant language of parent/guardian, if possible. When the parent/guardian's dominant language is not English, or the parent/guardian is deaf, the school shall provide interpretation of the record in the dominant spoken or sign language;
- B. Copies of applicable state and federal laws and local policies made available on request;
- C. Should the parental rights of one or the other parent/guardian be terminated by a court of appropriate jurisdiction, it is the responsibility of the person/agency having legal custody to notify the school that that right to review student records should be denied the person whose rights have been terminated;
- D. Parents/guardians have the right to seek to include in the records material they think pertinent or to seek exclusion from the records of material that is untrue, irrelevant to the student's present educational situation or otherwise improperly contained in the student's record. Parents/guardians have the right to request an immediate stay of disclosure pending final determination of the challenge procedure. They also have the right to challenge the school's granting or denial of access to the student's records.

The Chief School Administrator shall devise procedures to review such requests. These procedures shall include an appeal process as required by New Jersey administrative code.

### **Student Information Directories**

The school shall compile, publicize and make available a "student information directory" as defined in the administrative code. Such directory information and school facilities shall be available to educational, occupational and military recruiters as required by law.

The school must notify parents/guardians annually in writing of their rights in regard to student participation in educational programs.

Such rights include:

- A. Notification of these rights in writing, in dominant language of parents/guardians;

- B. A 10-day period in which to submit a written statement to the Chief School Administrator prohibiting the school from including any or all types of information about the student in any student information directory before allowing access to such directory and school facilities to educational, occupational and military recruiters pursuant to statute;
- C. A 10-day period to submit a written statement to the Chief School Administrator excluding information from any school directory for official use;
- D. Copies of applicable state and federal laws and local policies will be made available on request.

### **Review of Student Records**

The Chief School Administrator shall require all permitted student records of students currently enrolled in the regular educational program to be reviewed annually by certified school personnel to determine the educational relevance of the material contained therein. The reviewer shall cause to be deleted from the records data no longer descriptive of the student or educational situation.

Such information shall be destroyed and shall not be recorded elsewhere nor shall a record of such deletion be made.

Such data may not be removed from the record of a disabled student without prior parental notice.

### **Records of Classified Students**

All records of disabled students shall be maintained in accordance with administrative code and established procedures that will ensure proper accessibility and confidentiality.

A special confidential file shall be maintained listing the code numbers assigned to disabled students on whose behalf the Board of Trustees must take public action. Motions concerning disabled students shall be anonymous and refer to this confidential file. This shall be maintained in accordance with N.J.A.C. 6A:32-7.

Parents/guardians or designees shall be permitted to inspect and review the contents of the student's record maintained by the school without unnecessary delay and before any meeting regarding the student's IEP. Any consent required for disabled students under N.J.A.C. 6A:32-7 shall be obtained according to N.J.A.C. 6A:14-1.3 "Consent" and N.J.A.C 6A:14-2.3

### **Transfer of Student Records**

- A. The Chief School Administrator shall request records of a newly enrolled student from the Irvington School District or the district of previous attendance as soon as possible after enrollment, but in any case within the time limit prescribed by the administrative code.
- B. All records of students transferring out of the school shall be forwarded to the Irvington School District or the district of previous attendance.

### **Permitted Access to Student Records**

A student may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose student records to students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

A parent/guardian shall either have access to or be specifically informed about only that portion of another student's record that contains information about his/her own child or himself/herself.

A student record may be withheld from a parent of a student under 18 only when the school obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court may be withheld.

The Board shall limit access to, disclosure of and communication regarding student records and health records to authorized organizations, agencies or persons as defined by code.

Particular attention shall be paid to the development of procedures whereby student records are made accessible to assigned secretarial and clerical staff in the performance of their duties, and to compliance with requirements for the security of computerized student records that will

limit access to authorized persons. Limited access shall be granted to secretarial and clerical personnel under the direct supervision of certified school personnel to those portions of the record to the extent necessary to record data and conduct routine clerical tasks.

The school will make a charge for copies.

School personnel are not prohibited from disclosing information in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.

In complying with this policy, all individuals shall adhere to N.J.S.A 47:1A-10, the Open Public Records Act (OPRA) and 20 U.S.C. 1232g; 34 C.F.R. Part 99, the Family Educational Rights and Privacy Act (FERPA).

**Conditions of Access**

No student record shall be altered or destroyed during the time period between a request to review the record and the actual review of the record. Those from outside the school whose access requires consent of parent/guardian must submit the request in writing, together with any required authorization, to the Chief School Administrator/designee. School regulations shall be developed in accordance with code to ensure that records are not altered, damaged or lost during inspection, and that records of access granted are complete.

**Retention and Destruction of Records**

The Chief School Administrator shall develop regulations in accordance with the administrative code concerning retention and destruction of student records. No additions may be made to the record after the permanent departure of a student without the prior written consent of the parent/guardian.

New Jersey district of last enrollment must keep in perpetuity: name, name of parents/guardians, date of birth, gender, citizenship, address, phone number, health history and immunizations, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

**Liability**

Liability shall not be attached to any member, officer or employee of the Board of Trustees permitting access or furnishing student records in accordance with these rules and regulations. It shall be the responsibility of the Chief School Administrator to keep abreast of all changes in state and federal law and regulation concerning student records.

**Legal References:**

N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 18A:36-19	Student records; creation, maintenance and retention, security and access; regulations; nonliability
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A 18A:36-19.1	Military recruiters; access to schools and student information directories
N.J.S.A. 18A:36-35	Disclosure of certain student information on Internet prohibited without parental consent
N.J.S.A. 18A:40-4	Examination for physical defects and screening of hearing of students; health records
N.J.S.A. 18A:40-19	Records and reports of tuberculosis testing; disposition; inspection
N.J.S.A. 26:5C-7 through -14	Acquired Immune Deficiency Syndrome
N.J.S.A. 47:1A-1 et seq.	Examination and copies of public records (Open Public Records Act)
N.J.S.A. 47:3-15 et seq.	Destruction of Public Records Law

N.J.S.A. 52:17B-9.8a through -9.8c	Marking of missing child's school record
N.J.A.C. 6A:8-4.2	Documentation of student achievement
N.J.A.C. 6A:11-4.2	Charter School; student records
N.J.A.C. 6A:14-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:1-1.2, -2.3, -2.9, -7.9	Special Education
N.J.A.C. 6A:16-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:16-1.4, -2.2, -2.4, -3.2, -5.4, -6.5, -10.2	Programs to Support Student Development
N.J.A.C. 6A:32-2.1	Definitions
N.J.A.C. 6A:32-7.1 et seq.	Student records
N.J.A.C. 6A:32-8.1	School register
N.J.A.C. 6A:32-14.1	Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
N.J.A.C. 15:3-2	State records manual
20 U.S.C.A. 1232g	Family Educational and Privacy Rights Act
42 U.S.C.A. 4541 et seq.	Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1980

42 C.F.R. Part II

Owasso Independent School District No. I-001 v. Falvo, 534 U.S. 426 (2002)

Plainfield Bd. of Ed. v. Cooperman, 105 N.J. 587 (1987)

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

Corresponds to NJSBA Policy No. 5125

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5131**

**Name: Conduct/Discipline**  
**Board Approval Date: August 14, 2017**

The Burch Charter School of Excellence Board of Trustees believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students. The board approved code of student conduct is established to achieve the following purposes:

- A. Foster the health, safety, and social and emotional well-being of students;
- B. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors;
- E. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and
- F. Establish parameters for consistent responses to violations of the code of student conduct that take into account, at a minimum, the severity of offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors as appropriate.

The Board of Trustees expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The Board of Trustees believes that standards of student behavior must be set cooperatively by interaction among the students, parents/guardians, staff and community, producing an atmosphere that encourages students to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for school and community property.

Board policy requires each student of this School to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The Chief School Administrator shall provide to students and their parents/guardians the rules of this School regarding student conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The Chief School Administrator shall establish the degree of order necessary to the educational program in which students are engaged.

### **Code of Conduct**

The Chief School Administrator shall oversee the development of and the Board shall approve a code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The code of conduct may be based on parent/guardian, student and community involvement. The Chief School Administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The Board shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

The Board's code of conduct shall contain:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;

- B. A description of behaviors that will result in suspension or expulsion;
- C. A description of the students' rights to:
  - 1. Advance notice of behaviors that will result in suspensions or expulsions;
  - 2. Education that supports student development into productive citizens;
  - 3. Attendance in safe and secure school environment;
  - 4. Attendance in school irrespective of marriage, pregnancy, or parenthood;
  - 5. Due process and appeal procedures in accordance with law and board policy;
  - 6. Parent notifications consistent with board policy and law for law enforcement interviews (5145.11 Questioning and Apprehension), short-term and long-term suspension (5114 Suspension and Expulsion), due process and appeal procedures, and attendance (5113 Attendance, Absences and Excuses);
  - 7. Records and privacy protections (5125 Student Records).
- D. A description of comprehensive behavioral supports that promote positive student development and assist each student in fulfilling the Board behavioral expectations established including:
  - 1. Positive reinforcement for good conduct and academic success;
  - 2. Supportive interventions and referral services;
  - 3. Remediation of problem behavior that takes into account the behavior's nature, the students' developmental ages and the students' histories of problem behaviors and performance; and
  - 4. Behavioral interventions and supports for students with an IEP or accommodation plans.
- E. A description of responses to violations of behavioral expectations that, at a minimum, are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behaviors that shall:
  - 1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
  - 2. Be consistent with other responses as required by law for serious offences including firearms, weapons and assault offenses;
  - 3. Ensure that the code of student conduct is applied equitably without regard to race, color, religion, ancestry, national origin, nationality, sex, gender, sexual orientation, gender identity or expression, marital, domestic-partnership, or civil-union, mental, physical, or sensory disability, or any other distinguishing characteristic;
  - 4. Be consistent with the provisions of N.J.S.A. 18A:6-1 regarding the corporal punishment of pupils.
- F. Expectations and consequences consistent board policies and procedures 5113 Attendance, Absences and excuses and 5131.1 Harassment, Intimidation and Bullying;
- G. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to serve the community.

A student may be denied privileges such as participation in extracurricular activities, school functions, sports, graduation exercises or other privileges as disciplinary sanctions in order to maintain the order and integrity of the school environment.

### **Student Behavioral Infractions**

Students who display chronic behavioral or academic problems may be referred to the child study team by the Chief School Administrator for an evaluation to determine disability or the need for other services. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Students so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.4. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

The Chief School Administrator or his or her designee shall take appropriate measures to ensure that minority and male students shall not be disproportionately represented in detentions, suspensions, and expulsions.

### **Substance Abuse**

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense in accordance with Policy No. 5131.6 Substance Abuse. Infractions shall be reported to the Irvington Police Department in accordance with the school's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

### **Weapons Offenses**

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Chief School Administrator may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or home instruction pending alternative education program placement and shall be entitled to a hearing before the Board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

The Chief School Administrator shall be responsible for the removal of such students and shall notify the Irvington Police Department of a possible violation of the New Jersey Code of Criminal Justice.

The Chief School Administrator shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with N.J.A.C. 6A:16-5.5(i).

Teaching staff members and other employees of this board having authority over students shall take such lawful means as may be necessary to control the disorderly conduct of all students in all situations and in all places where such students are within the jurisdiction of this board.

### **Harassment, Intimidation or Bullying**

The Board expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. This type of behavior interferes with a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school will not tolerate acts of harassment, intimidation or bullying.

The Board prohibits acts of harassment, intimidation or bullying against any student.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, gender, a mental, physical or sensory disability, sexual orientation, gender identity or expression, national origin or ancestry, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus and that:

- A. Substantially disrupts or interferes with the orderly operation of the school or the rights of other students;
- B. Reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property; or
- C. Has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school; or

- D. Creates a hostile educational environment by interfering with the student's education by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager, that takes place on school grounds, at any school-sponsored function, or on a school bus.

**Students with Disabilities**

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all students with disabilities.

**Policy and Procedure Development, Review and Dissemination**

The standards and procedures developed to implement this policy shall be aligned with the Board approved code of student conduct and accepted Board approved core ethical values. Policies, standards and procedures shall be based on parent, student and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1.

This policy shall be reviewed annually and updated along with the code of student conduct. This process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism Reporting System.

**Implementation**

The Chief School Administrator shall ensure that the rules for this policy are applied consistently with the Board's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process.

The Board shall review and update the code of student conduct annually. The code of student conduct shall be disseminated annually to all school staff, students and parents/guardians.

The Chief School Administrator shall report as required by law to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

Employees shall receive annual training on the code of student conduct, including training on the prevention, intervention, and remediation of student conduct that violates the code of student conduct. Information on the code of student conduct shall be incorporated into the orientation for new employees.

**Legal References:**

N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for
N.J.S.A. 2C:12-1	Definition of assault
N.J.S.A. 2C:33-19	Paging devices, possession by students

N.J.S.A. 2C:39-5	Unlawful possession of weapons
N.J.S.A. 18A:6-1	Corporal punishment of students
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:25-2	Authority over students
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A. 18A:37-1 et seq.	Discipline of Students

See particularly: N.J.S.A. 18A:37-13.2, -14

N.J.S.A 18A:37-15 et seq.	Harassment, Intimidation, and bullying
N.J.S.A. 18A:40A-1 et seq.	Substance Abuse
N.J.A.C. 6A:14-2.8	Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1 et seq.	Programs to Support Student Development

See particularly:

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier, 484 U.S. 260 (1998)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners' Decisions indexed under "Students – Punishment of" in Index to N.J. School Law Decisions

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

L.W. v. Toms River Regional Schools Bd. of Ed., N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184

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

Corresponds to NJSBA Policy No. 5131

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5131.1**

**Name: Harassment, Intimidation, Bullying**  
**Board Approval Date: November 22, 2011**

The Burch Charter School of Excellence Board of Trustees believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Harassment, intimidation and bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school will not tolerate acts of harassment, intimidation or bullying.

The Board of Trustees expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The Board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, or for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the Burch Charter School of Excellence's Code of Conduct. The Board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults, support and assistance of students in school, the community and home, our students will achieve the above standards of character education.

The Board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board-approved code of student conduct which establishes standards, policies and procedures for positive student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school-sponsored functions. The Chief School Administrator shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the Chief School Administrator shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. The Chief School Administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The Board directs the Chief School Administrator or his or her appropriately trained and characteristic, that take place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

"Electronic communication" means a communication that is transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer or pager.

### **Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying**

#### **Students**

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance.

Consequences shall be consistent with the board-approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

**A. Consequences**

- 1. Admonishment;
- 2. Temporary removal from the classroom;
- 3. Deprivation of privileges;
- 4. Classroom or administrative detention;
- 5. Referral to disciplinarian;
- 6. In-school suspension during the school week or the weekend;
- 7. After-school programs;
- 8. Out-of-school suspension (short-term or long-term)
- 9. Legal action; and
- 10. Expulsion.

**B. Remedial Measures**

**1. Personal**

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;
- f. Supportive student interventions, including participation of the intervention and referral services team;
- g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- h. Behavioral management plan, with benchmarks that are closely monitored;
- i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- j. Involvement of school disciplinarian;
- k. Student counseling;
- l. Parent conferences;
- m. Student treatment; or
- n. Student therapy.

**2. Environmental (Classroom, School Building or School System)**

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention program;
- e. School policy and procedures revisions;
- f. Modifications of schedules;

- g. Adjustments in hallway traffic;
- h. Modifications in student routes or patterns traveling to and from school;
- i. Supervision of students before and after school, including school transportation;
- j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- k. Teacher aides;
- l. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- m. General professional development programs for certificated and non-certificated staff;
- n. Professional development plans for involved staff;
- o. Disciplinary action for school staff who contributed to the problem;
- p. Supportive institutional interventions, including participation of the intervention and referral services team;
- q. Parent conferences;
- r. Family counseling;
- s. Involvement parent-teacher organizations.

The consequences and remedial measures may vary based upon whether a first, second or third offense has been committed by the individual. However, in no way does this limit the Board's authority to exercise its discretion in imposing the harshest sanctions for one egregious act that violates the policy herein.

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

### **Staff**

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges that could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

#### **A. Consequences**

- 1. Admonishment;
- 2. Temporary removal from the classroom;
- 3. Deprivation of privileges;
- 4. Referral to a disciplinarian;
- 5. Withholding of Increment;
- 6. Suspension;
- 7. Legal action; and
- 8. Termination.

#### **B. Remedial Measures**

##### **1. Personal**

- a. Restitution and restoration;
- b. Mediation;
- c. Support group;
- d. Recommendations of behavior or ethics council;
- e. Corrective action plan;
- f. Behavioral assessment or evaluation;
- g. Behavioral management plan, with benchmarks that are closely monitored;
- h. Involvement of school disciplinarian;
- i. Counseling;
- j. Conferences;

- k. Treatment; or
- l. Therapy.

## 2. Environmental (Classroom, School Building or School System)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling.

The consequences and remedial measures may vary based upon whether a first, second or third offense has been committed by the individual. However, in no way does this limit the Board's authority to exercise its discretion in imposing the harshest sanctions for one egregious act that violates the policy herein.

### **Reporting Harassment, Intimidation and Bullying**

The Chief School Administrator and/or his or her designee shall be responsible for receiving complaints alleging violations of this policy.

The Board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the Chief School Administrator of his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying:

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the Chief School Administrator on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The Chief School Administrator shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the Chief School Administrator within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provide, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the Chief School Administrator and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school's policy, or to any school administrator or safe schools resource officer, and who makes this report in

compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a school employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

### **School Anti-Bullying Specialist**

The Chief School Administrator in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the Chief School Administrator shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the Chief School Administrator shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- A. Chair the school safety team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

### **School Safety Team**

The school shall form a school safety team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety team shall meet at least two times per school year.

The school safety team shall:

- A. Receive any complaints or harassment, intimidation, or bullying of students that have been reported to the Chief School Administrator;
- B. Receive copies of any report prepared after an investigation of an incident harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students in school;
- D. Review and strengthen school climate and policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teacher, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of N.J.S.A. 18:37013 et seq. and other training which the Chief School Administrator or the school anti-bullying coordinator may request;
- G. Execute such other duties related to harassment, intimidation, and bullying as requested by the Chief School Administrator or school anti-bullying coordinator.

No parent/guardian who is a member of the school safety team shall:

- A. Receive complaints of harassment, intimidation, or bullying of students that have been reported to the Chief School Administrator;
- B. Receive copies of reports prepared after an investigation of a harassment, intimidation, or bullying incident;
- C. Identify and address patterns of harassment, intimidation, or bullying of students; or

- D. Participate in any other activities of the team that may compromise the confidentiality of a student.

**Investigating Reported Harassment, Intimidation and Bullying**

All reported incidents of harassment, intimidation, and bullying shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
  - 1. Taking of statements from victims, witnesses and accused;
  - 2. Careful examination of the facts;
  - 3. Support for the victim; and
  - 4. Determination if alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the Chief School Administrator or his/her designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The Chief School Administrator may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipation but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the Chief School Administrator within two school days of the completion of the investigation, and in accordance with law and board policy. The Chief School Administrator may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
- E. The results of each investigation shall be reported to the Board Trustees no later than the date of the next board meeting following the completion of the investigation, and include:
  - 1. Any services provided;
  - 2. Training established;
  - 3. Discipline imposed; or
  - 4. Other action taken or recommended by the Chief School Administrator.
- E. The Chief School Administrator or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. The information shall be provided in writing within five (5) school days after the results of the investigation are reported to the Board and include:
  - 1. The nature of the investigation;
  - 2. Whether the school found evidence of harassment, intimidation, or bullying; or
  - 3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

**Range of Ways to Respond to Harassment, Intimidation or Bullying**

The Board of Trustees recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. Other acts may be so serious

or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building or school levels or by law enforcement officials.

In considering whether a response beyond the individual is appropriate, the Chief School Administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom; school building; school system) responses include:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying the school community; and
- H. The involvement of law enforcement officer, including school resources officers.

For every incident of harassment, intimidation or bullying, the school shall respond to the individual who committed the act. Responses may include:

- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussion about an incident of harassment, intimidation, or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- C. School responses can include theme days, learning station program, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. School responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the Chief School Administrator in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

### **Retaliation and Reprisal Prohibited**

The Board prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation, or bullying by any student, school employee, board member, contracted service provider, visitor or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation or false accusation shall be determined by the Chief School Administrator or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, volunteer or visitor who engages in the act of retaliation

or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the law enforcement agency shall be notified.

**A. Students**

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

**B. School Employees**

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with board policies, procedures and agreements, up to and including suspension or dismissal from service;

**C. Board Members**

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with board policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

**D. Visitors, Volunteers, Contracted Service Providers, and All Other Persons**

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the Chief School Administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

**A. Consequences**

1. Admonishment
2. Temporary removal from the classroom or school;
3. Deprivation of privileges;
4. Prohibited from access to the school facilities (visitors, vendors, board members, all other people);
5. Classroom or administrative detention;
6. Referral to disciplinarian;
7. In-school suspension during the school week or the weekend;
8. After-school programs;
9. Out of school suspension (short-term or long-term)
10. Legal action;
11. Withholding of Increment;
12. Suspension;
13. Expulsion;
14. Termination;
15. Termination of service agreements or contracts (vendors, volunteers);
16. Public sanction (board members);
17. Ethics charges (some administrators, board members).

**B. Remedial Measures**

1. **Personal**

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;
- f. Supportive student interventions, including participation of the intervention and referral services team;
- g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- h. Behavioral management plan, with benchmarks that are closely monitored;
- i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- j. Involvement of school disciplinarian;
- k. Counseling;
- l. Conferences;
- m. Treatment; or
- n. Therapy.

2. **Environmental (Classroom, School Building or School System)**

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention program;
- e. School policy and procedures revisions;
- f. Modifications of schedules;
- g. Supervision;
- h. Small or large group presentations for fully addressing the behaviors and the responses of the behaviors;
- i. General professional development programs for certificated and non-certificated staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling.

**Appeal Process**

The parent or guardian may request a hearing before the Board after receiving the information from the Chief School Administrator regarding the investigation. The hearing shall be held within 10 days of the request. The Board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing, the Board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

At the next Board of Trustees meeting following its receipt of the report, the Board shall issue a decision, in writing, to affirm, reject or modify the Chief School Administrator's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the Board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

**Week of Respect**

The week beginning with the first Monday in October of each year is designated as a "Week of Respect in the state of New Jersey. The school, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A 18A:37-14). Throughout the school year, the school shall

provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards.

## **Training**

### **A. School Leaders**

Any school leader who holds a position that requires the possession of a lead person, principal or chief school administrator or supervisor endorsement shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with state Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

### **B. Teaching Staff Development**

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed healthcare professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide (N.J.S.A. 18A:6-112).

### **C. Board Members**

Within one year after being newly elected or appointed or being re-elected or re-appointed to the Board of Trustees, a board member shall complete a training program on harassment, intimidation, and bullying in school, including a school's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

### **D. Staff, Student and Volunteer Training**

The school shall:

1. Provide training on the school's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the school's harassment, intimidation or bullying policy with students.

Information regarding the school policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the school to provide services to students.

Throughout the school year, the school shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards.

## **Reporting to the Board**

Two times each year between September 1 and January 1, and between January 1 and June 30, the school board shall hold a public hearing at which the Chief School Administrator will report to the Board of Trustees all acts of violence, vandalism and harassment, intimidation, or

bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

#### **Reporting to the Department of Education**

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1, and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. **Data broken down by each school.**

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The school shall receive a grade determined by averaging the grades of all the schools.

Each school shall post the grade received by the school on the homepage of the school's Web site. The information shall be posted on the Web sites within 10 days of the receipt of a grade by the school.

It shall be a violation to improperly release any confidential information not authorized by federal or state law for public release.

The Chief School Administrator will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting System (EVVRS). The Chief School Administrator shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within each school. Any allegations of falsification of data will be reviewed by the Board of Trustees using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The state Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the Chief School Administrator shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The Board of Trustees shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

#### **Program Assessment and Review**

The Burch Charter School of Excellence shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

#### **Policy Development and Review**

The school harassment, intimidation, or bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The school shall annually conduct a reevaluation, reassessment, and review of this policy, making any necessary revisions and additions. The Board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The school shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 days of the revision (beginning September 1, 2011).

**Publication, Dissemination and Implementation**

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The Chief School Administrator shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on each school's Web site;
- B. Distribute this policy annually to all staff, students and parents/guardians; and
- C. Print this policy in any school publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks.

The school shall notify students and parents/guardians that the policy is available on the Web site. The school shall publish the name, school phone number, school address and school e-mail address of the school anti-bullying coordinator on the homepage of the Web site. The information concerning the school anti-bullying specialists shall also be maintained on the Department of Education's Web site.

Additionally, the school shall make available, in any easily accessible location of its Web site, the Department of Education's guidance document for the use by parent/guardians, students and staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The Chief School Administrator shall ensure that the rules for this policy are applied consistently with the school's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

**Legal References:**

N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 10:5-1 et seq.	Law Against Discrimination
N.J.S.A. 18A:6-112	Instruction on suicide prevention for public school teaching staff
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:12-33	Training program; requirements
N.J.S.A. 18A:17-46	Reporting of certain acts by school employee; annual report; public hearing (acts of violence)
N.J.S.A. 18A:25-2	Authority over students
N.J.S.A. 18A:26-8.2	School leader defined; training as part of professional development
N.J.S.A. 18A:36-19	Student records; creation, maintenance and retention, security and access; regulations; nonliability

N.J.S.A. 18A:36-19a	Student records (newly enrolled students; transfers of records, identification)
N.J.S.A. 18A:37-1 et seq.	Submission of Students to Authority (Discipline)
N.J.S.A. 18A:37-13 et seq. <u>See particularly:</u>	Anti-Bullying Bill of Rights Act
N.J.S.A. 18A:37-14, -15, -17	Harassment, intimidation, and bullying
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.A.C. 6A:14-2.8	Discipline/suspension/expulsions (students with disabilities)
N.J.A.C. 6A:16-1.1 et seq. <u>See particularly:</u> N.J.A.C. 6A:16-1.4, -7.1, -7.6, -7.9	Programs to support student development (include student conduct code)
N.J.A.C. 6A:32-12.1	Reporting requirements
N.J.A.C. 6A:32-12.2	School-level planning

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1989). United States Supreme Court addresses the standard by which a district will be held liable sexual harassment of a student by a school employee under Title IX requires actual notice and deliberate indifference.

Davis v. Monroe County Bd. of Ed., 526 U.S. 629 (1999). United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively offensive."

Saxe v. State College Area School District, 240 F.3d 200 (3<sup>rd</sup> Cir. 2001). A Pennsylvania School district's anti-harassment policy was overly broad and therefore violated the Guarantee of freedom of speech.

L.W. v. Toms River Regional Schools of Bd. of Ed., 189 N.J. 381 (2007). The New Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for hostile work environment cases. A district will be judged by whether the district's response met the "reasonable person" test: what would a reasonable person (teacher, supervisor, vice principal, principal, chief school administrator, etc.) do in a similar situation. School districts will be shielded from liability under NJLAD when their preventive and remedial actions are reasonable in light of totality of the circumstances.

Corresponds to NJSBA Policy No. 5131.1

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5131.5**

**Name: Vandalism and Violence**  
**Board Approval Date: August 14, 2017**

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### Vandalism

The Burch Charter School of Excellence Board of Trustees views vandalism against school property by students as reprehensible. The cause of such misbehavior often are complex, calling for careful study by parents/guardians, school staff and appropriate community officials.

The Board believes that students should respect property and take pride in the school. Whenever a student has been found to have done a malicious damage to the property of the Board, the Chief School Administrator shall notify the Board. The Board will hold the student and his/her parents/guardians liable for the damage caused by the student. Discipline could also be assigned.

When vandalism is discovered, the administration is directed to take such steps as are necessary to identify the vandals. If students have taken part in the vandalism, the Chief School Administrator shall:

- A. Identify the students involved;
- B. Call parents/guardians, school psychologist and appropriate teaching staff together to study the cause;
- C. A decision regarding suspension and/or other legal action including expulsion will be made. Should the parents/guardians fail to cooperate in the discussions, the Chief School Administrator may charge the student with being delinquent by a petition stating the offense and requesting appearance in juvenile court;
- D. Take any constructive actions needed to try to guard against further such pupil misbehavior.
- E. The Chief School Administrator shall seek appropriate restitution.

### Violence

Physical violence including assault against another student or staff member is unacceptable conduct and will result in the disciplinary sanctions included in policies on suspensions and expulsion and conduct/discipline. Disruptive behavior that is characterized by verbal or physical violence, although not directed toward another person, should be reported by the classroom teacher to the Chief School Administrator.

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Chief School Administrator may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the Board.

The Chief School Administrator shall be responsible for removing any student who is convicted or adjudicated delinquent for possession of a firearm/weapon or crime while knowingly in possession of a firearm/weapon on any school property, or a school bus or at school-sponsored function.

Any employee observing or having direct knowledge from a participant or victim of an act of violence in the charter school will be report the incident to an administrator who will complete the Violence/Vandalism Report as required by the state Department of Education.

The Board shall provide staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements pursuant to N.J.S.A. 18A:17-46.

At an annual public meeting, the Chief School Administrator shall report to the Board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

### **Threats of Violence**

The Board is committed to promoting healthy relationships and a safe learning environment. Therefore, it shall not tolerate student threats of harm to self or others or other threatening behaviors, including threats to damage school property. Threatening behaviors shall not be tolerated on school property or at activities under the jurisdiction of the Board of Trustees.

Students shall inform a teacher, guidance counselor or the Chief School Administrator when he/she is in possession of knowledge of such threats. Staff shall immediately notify the Chief School Administrator of any threat or threatening behavior that he/she has knowledge of, has witnessed or received. All such threats shall be promptly reported to the Irvington Police Department.

Students who perpetuate threatening behaviors shall be disciplined in accordance with policy and regulations on suspension and expulsion and conduct/discipline.

### **Unsafe School Choice Option**

The Chief School Administrator shall comply with all requirements of the Unsafe School Choice Option policy adopted by the state Board of Education for schools that receive funds under the No Child Left Behind Act of 2001 Every Student Succeeds Act (ESSA). He/she shall keep the Board informed of all state requirements and actions taken to implement the policy.

Particularly, if a school in the school is designated as “persistently dangerous” corrective action plans shall be prepared and presented to the Board for review. The corrective action plans shall be in the format provided by the Department of Education and shall describe how the schools will reduce the number of incidents of violence as determined by the Electronic Violence and Vandalism Reporting System (EVVRS).

Likewise, if a student while at school or on school grounds becomes a victim criminal offense as defined by state statute, he/she shall be offered the option of transferring to another safe school within the district of residence or region.

Parents/guardians shall be informed according to law and policy.

The Board shall be provided with access to a copy of the current statewide Unsafe School Choice Option Policy.

### **School Violence Awareness Week**

This school shall observe School Violence Awareness Week, the week beginning on the third Monday in October of each year. Organized activities focused on the prevention of school violence will be offered to students, employees and Board members. Local law enforcement personnel will be invited to participate.

### **Violence and Vandalism Reporting**

The Chief School Administrator will annually biannually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse and harassment, intimidation and bullying within the school. Any allegations of falsification of data will be reviewed by Board of Trustees using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee’s prior employment record.

### **Implementation**

The Chief School Administrator shall oversee the development of implementing regulations on all aspects of this policy, including the establishment of procedures for cooperation between school staff and law enforcement officials for all situations involving firearms or other deadly weapons.

The Chief School Administrator shall annually, at a public meeting, report to the Board of Trustees all acts of violence and vandalism in the school. The Chief School Administrator shall forward a copy of the annual report of violence and vandalism to the county superintendent in the manner and form required.

**Legal References:**

N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2A:53A-15	Liability of parent or guardian for willful destruction of property by infant under 18
N.J.S.A. 2C:39-5	Unlawful possession of weapons
N.J.S.A. 18A:17-46	Act of violence; report by school employee; notice of action taken; annual report
N.J.S.A. 18A:25-2	Authority over students
N.J.S.A. 18A:36-5.1	School Violence Awareness Week
N.J.S.A. 18A:37-1 et seq.	Discipline of Students

See particularly:

N.J.S.A. 18A:37-2, -2.1 through -2.5, -3, -7 through -12	
N.J.S.A. 18A:37-13 et seq.	Anti-Bullying Bill of Rights Act
N.J.A.C. 6A:14-2.8	Discipline/suspension/expulsion
N.J.A.C. 6A:16-1.1 et seq	Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.4, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1

H.A. v. Warren Hills Regional School District, 1976 S.L.D. 336

See also Commissioners' Decisions indexed under "Students – Punishment of" in Index to N.J. School Law Decisions

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

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

Unsafe School Choice Option Policy, New Jersey Department of Education, June 30, 2003

Corresponds to NJSBA Policy No. 5131.5

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5131.6**

**Name: Substance Abuse**  
**Board Approval Date: November 22, 2011**

It is the responsibility of the Burch Charter School of Excellence Board of Trustees to safeguard the health, character, citizenship, and personality development of the students in its schools. The Board of Trustees recognizes that the misuse of drugs, alcohol, steroids and tobacco threatens the positive development of students and the welfare of the entire school community. We, therefore, must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful. The Board of Trustees is committed to the prevention of drug, alcohol, tobacco and steroid abuse and the rehabilitation of identified abusers.

The Board of Trustees recognizes that tobacco is a gateway drug and highly addictive and that the use of tobacco products is a health, safety and environmental hazard for students, employees, visitors and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, faculty/staff and visitors. The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes that it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally, the Board recognizes that it has a legal authority and obligation pursuant to P.L. 2005, Chapter 383 New Jersey Smoke-Free Air Act as well as the federal Pro-Children Act, Title X of Public Law 103-227 and the No Child Left Behind Act, Part C, Environmental Smoke, Section 4303.

### **Students**

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2C:35-10.4 et seq.

The Board of Trustees prohibits the use, possession and/or distribution of any drug, alcohol, or steroids on school premises, and at any event away from the school provided by the Board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Students suspected of being under the influence of drugs, alcohol, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners, and trained in alcohol and other drug abuse prevention. A student who uses, possesses, or distributes drugs, alcohol or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Students suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation (N.J.S.A. 18A:40A-10). Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the Board's expense.

### **Enforcement of Drug-Free School Zones**

The Board of Trustees recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The Board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The Board shall, therefore, establish a formal Memorandum of Agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the county prosecutor and approval by the Executive County Superintendents of Schools. The Memorandum of Agreement shall be consistent with the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*.

### **Law Enforcement Liaison**

In order to ensure that such cooperation continues, the Board directs the Chief School Administrator to designate a school liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities of the school liaison(s). Such assignment shall be in accordance with the school's collective bargaining agreement, if applicable.

### **Undercover Operations**

The Board hereby recognizes that the Chief School Administrator may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The Board hereby authorizes the Chief School Administrator is not permitted to ask the Board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The Board recognizes that law enforcement authorities may contact the Chief School Administrator to request that an undercover operation be established in a school. The Board recognizes that the Chief School Administrator is prohibited from discussing the request with the Board. The Board hereby authorizes the Chief School Administrator to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school.

The Board directs the Chief School Administrator to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Chief School Administrator or any other school staff or board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the Chief School Administrator shall report to the Board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

### **Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests**

Any school employee who has reason to believe a student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the Chief School Administrator. The Chief School Administrator shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the Chief School Administrator will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials in a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the head of school may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the Chief School Administrator and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The Chief School Administrator shall immediately notify the student's parent/guardian whenever a student is arrested for violating any laws prohibiting the possession, use, sale or distribution of any controlled substance or drug paraphernalia.

Whenever the police have been summoned to a school building by the Chief School Administrator, the Chief School Administrator shall report the reason the police were summoned and any pertinent information to the Board at its next regular meeting. If confidentiality is required, the report shall be made in executive session.

### **Student Searches and Securing Physical Evidence**

The Chief School Administrator or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in 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), State v. Best, 403 N.J. Super. 428 and the New Jersey School Search Policy Manual.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the Chief School Administrator, who shall immediately, in turn, notify the appropriate law enforcement agency. The Chief School Administrator shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The Chief School Administrator shall then contact the student's parent/guardians to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the head of school shall request that the law enforcement officials conduct the search, seizure, or interrogation.

### **Police Presence at Extracurricular Activities**

The Chief School Administrator is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the head of school believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd or traffic control at a school function.

### **Resolving Disputes Concerning Law Enforcement Activities**

The Board authorizes the Chief School Administrator to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the Chief School Administrator shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level shall be reported to the board and shall be resolved by the attorney general whose decision will be binding.

### **Confidentiality of Student Involvement in Intervention and Treatment Programs**

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance abuse counseling or treatment program including, but not limited to, the school's own substance abuse programs. All information concerning a student's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 CFR 2 and N.J.A.C. 6A:16-6.5.

### **Tobacco**

Tobacco use is now recognized as a chronic disease and public health hazard. Tobacco use is associated with conditions such as heart disease, emphysema, asthma, high blood pressure, diabetes, and many other chronic diseases. The most effective strategy for discouraging tobacco use by young people is a wellness strategy that supports prevention, intervention, and cessation.

#### **A. Tobacco Use and Possession**

1. No student, faculty/staff member or school visitor is permitted to use any tobacco product:
  - a. In any building, facility, or vehicle owned, leased, rented or chartered by the school;
  - b. On any school grounds and property—including athletic fields and parking lots—owned, leased, rented, utilized (e.g., adjacent parking lots) or chartered by the Board of Trustees;
  - c. At any school-sponsored or school-related event on-campus or off-campus (e.g., field trips, proms, sporting events off campus, etc).
2. In addition, school employees, school volunteers, contractors or other persons performing services on behalf of the school (e.g., bus drivers) also are prohibited from using tobacco products at any time while on duty in accordance with their contracts or in the presence of students, either on or off school grounds.
3. Further, no student is permitted to possess a tobacco product while in any school building, while on school grounds or property or at any school-sponsored or school-related event, or at any other time that students are under the authority of school personnel.

#### **B. Definition of Tobacco Products and Tobacco Use**

For the purposes of this policy, "tobacco product" is defined to include but not limited to cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products (excluding quit products). "Tobacco use" includes smoking, chewing, dipping, or any other use of tobacco products.

### **C. Signage**

Signs will be posted in a manner and location that adequately notify students, faculty/staff and visitors about the Comprehensive Tobacco-Free School Policy.

### **D. Compliance for Students**

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly addictive, the board of trustees recognizes that intervention rather than punishment is the most effective way to address violations of this policy. Students who violate the school's tobacco-use policy will be referred to the student assistance counselor (SAC), guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling, and referral. Administration will consult with appropriate health organizations in order to provide student violators with access to an Alternative-to-Suspension (ATS) program. The ATS program will provide up-to-date information on the many consequences of tobacco use, offer techniques that students can use to stop tobacco use at school, and provide referrals to local youth tobacco cessation programs.

Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Ordinarily, and consistent with a wellness strategy, suspension will only be used after a student has three or more prior violations or refused to participate in other outlined measures.

### **E. Compliance for Faculty, Staff, and Visitors**

As with students, intervention rather than punishment is the most effective way to address adult violations of this policy. Faculty or staff who violate the school's tobacco-use policy will be referred to the Employee Assistance Program (EAP) or a tobacco cessation program. Employees who repeatedly violate the policy or do not comply with intervention or cessation referrals may be subject to consequences in accordance with school policy and their contract. Visitors using tobacco products will be informed about the policy and asked to refrain while on school property. Visitors who continue to violate the policy will then be asked to leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the school property.

### **F. Opportunities for Cessation**

The administration will consult with the county health department and other appropriate health organizations (e.g., American Lung Association, American Cancer Society, etc.) to provide students and employees with information and access to support systems, programs and services (e.g., NJDHSS Quitline 1-866-NJSTOPS (657-8677) and (njquitline.org) to encourage them to abstain from the use of tobacco products.

### **G. Prevention Education**

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

### **H. Procedures for Implementation**

The administration will develop a plan for communicating the policy that may include information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage in buildings and around campus. A process that identifies intervention and referrals for students, faculty/staff, and visitors who violate the policy will be created and communicated to all students, faculty/staff and parents.

## **Ongoing Implementation of this Policy**

### **A. Prevention Education for Students**

The Board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The Chief School Administrator shall prepare and submit to the Board for its approval a comprehensive curriculum for such instruction in grades seven through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to N.J.S.A. 18A:40A1 et seq. Drug, alcohol, steroid, and tobacco education shall be integrated with the health curriculum

**B. Faculty Education and In-service Training**

All school personnel shall be alert to signs of alcohol, drug, steroid, and tobacco use by students and shall respond to those signs in accordance with procedures established by the Chief School Administrator. The Board of Trustees will provide in-service training to assist teaching staff members in identifying the student who uses drugs, alcohol, steroids, and/or tobacco and in helping students with drug-, alcohol-, steroid-, and tobacco related problems in a program of rehabilitation. The Chief School Administrator will ensure that all school employees receive annual in-service training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6A:16-3.1.

**C. Annual Review and Distribution of Policy**

The Board will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the Board will consult with the executive county school superintendent, local community members, and the county prosecutor's office.

In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to students and their parents/guardians at the beginning of each school year.

**D. Administrative Regulations**

The Chief School Administrator may develop administrative regulations for:

1. A comprehensive program of drug, alcohol, steroid, and tobacco education;
2. The identification and remediation of students involved with drugs, alcohol, steroids, and tobacco;
3. The examination and treatment of students suspected of being under the influence of drugs, alcohol, steroids, or tobacco to determine the extent of the student's use or dependency;
4. The treatment of students who use, possess or distribute drugs, alcohol, steroids, and tobacco in violation of law or this policy through referral to an appropriate drug/alcohol/tobacco abuse program as recommended by the department of health; and
5. The readmission to school and treatment of students who have been convicted of drug, alcohol, steroid, or tobacco offenses.

**E. Reporting and Liability**

The Chief School Administrator will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school. Any allegations of falsification of data will be reviewed by the board of trustees using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

At an annual hearing, the Chief School Administrator shall report to the Board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

Any staff member who reports a student to the Chief School Administrator or his/her designee in compliance with the provisions of this policy shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A1 et seq.

**F. Confidentiality Requirements**

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

**G. Parental Compliance**

Substance abuse in the school is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.

### **Optional Random Drug Testing of High School Students**

If VCS expands to high school, the option to conduct random testing of high school students who possess a school parking permit or who participate in extracurricular activities, including sports, for alcohol or other drug use is reserved. Testing, if conducted, will comply with the requirements of N.J.A.C. 6A:16-4.4, “voluntary policy for random testing of student alcohol or other drug use.” Before instituting testing, a public hearing will be held concerning the school’s policy and procedures. Collection and testing of specimens will be only by the individuals authorized by the regulations. The school’s procedures will include a procedure whereby students or their parents may challenge a positive result from alcohol or other drug tests.

### **Legal References:**

N.J.S.A. 2A:62A-4	Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability
N.J.S.A. 2C:29-3a	Hindering apprehension or prosecution
N.J.S.A. 2C:33-15	Possession or consumption of alcoholic beverage by person under legal age, penalty
N.J.S.A. 2C:33-17	Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions
N.J.S.A. 2C:33-19	Paging devices, possession by students
N.J.S.A. 2C:35-1 et seq. <u>See particularly:</u> N.J.S.A. 2C:35-7, -10	New Jersey Comprehensive Drug Reform Act of 1987
N.J.S.A. 2C:35-2	Definitions
N.J.S.A. 9:6-1 et seq.	Abuse abandonment, cruelty, and neglect of child; what constitutes
N.J.S.A. 9:17A-4	Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality
N.J.S.A. 18A:36-19.2	Student locker or other storage facility; inspection; notice to students
N.J.S.A. 18A:37-1	Submission of students to authority
N.J.S.A. 18A:37-2	Causes for suspension or expulsion of students
N.J.S.A. 18A:38-25	Attendance required of children between six and sixteen; exceptions
N.J.S.A. 18A:38-31	Violation of article by parents or guardian, penalties
N.J.S.A. 18A:40A-1 et seq. <u>See particularly:</u> N.J.S.A. 18A:40A-1, -2, -3, -4, -5, and -9 to -25	Substance abuse
N.J.S.A. 24:21-2	Definitions (New Jersey controlled dangerous substances)
N.J.S.A. 26:3D-55 et seq.	New Jersey Smoke-Free Air Act, P.L. 2005, c. 209 – Random student drug testing
N.J.A.C. 6A:8-3.1	Curriculum and instruction
N.J.A.C. 6A:9-13.2	Substance awareness coordinator
N.J.A.C. 6A:14-2.8	Discipline/suspension/expulsion

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-4.4

Voluntary policy for random testing of student alcohol or other drug use

See also:

N.J.A.C. 6A:16-1.3, -1.4, -2.2, -3.1, -3.2, -4.1 through -4.3, -5.3, -6.1, -6.5

N.J.A.C. 6A:32-13.1 et seq. Student Behavior

Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308  
Regulations Under Drug Free Workplace Act, CFR 4946 (1/31/89)

42 CFR Part 2 Confidentiality of alcohol and drug abuse patient records

F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382

G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School, et. al., 1987 S.L.D. April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2

State of New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983)

Honig v. Doe, 484 U.S. 305 (1988)

Veronia School v. Acton, 515 U.S. 646 (1995)

In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002)

Bd. of Ed. of Independent School 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. 822 (2002)

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

The New Jersey School Search Policy Manual, New Jersey Attorney General (1988)

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

Corresponds with NJSBA Policy No. 5131.61

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5131.7**

**Name: Weapons and Dangerous Instruments**  
**Board Approval Date: November 22, 2011**

The Board of Trustees prohibits the possession and/or use of firearms, other weapons, or instruments that can be used as weapons on school property, on a school bus, at any school function, or while in route to or from school or any school function.

For the purpose of this policy "weapon" includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1r. The Chief School Administrator shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, on a school bus, or at a school-based function shall be immediately removed from the school's regular education program pending a hearing before the Board to remove the student from the regular education program for a period of not less than one calendar year.

The Chief School Administrator or his/her designee shall be responsible for the removal of such a pupil and shall immediately report the removal to the Chief School Administrator. The Chief School Administrator may modify a pupil's removal on a case-by-case basis. The Chief School Administrator shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

A student found or observed on school property or at a school event in possession of a weapon or dangerous instrument other than a firearm shall be reported to the Chief School Administrator or his/her designee immediately. The Chief School Administrator shall immediately inform the Chief School Administrator or his/her designee and appropriate law enforcement officials with all known information concerning the matter, including the identity of the student involved.

Assault by a student with a weapon on a teacher, administrator, board member or other employee of the Board is strictly prohibited and shall result in the student's immediate removal from the general education program for a period not exceeding one calendar year. Subject to a hearing before the Board, the student shall be placed in an alternative education program.

The Chief School Administrator shall determine at the end of the year whether the student is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education.

Disciplinary action shall be taken against students who possess, handle, transmit or use firearms, other weapons, or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and in compliance with law and administrative code. As in all disciplinary cases, due process will be provided (see policies No. 5114 Suspension and Expulsion and 5131 Conduct/Discipline).

A violence and vandalism report shall be filed whenever a student is found to be in possession of a firearm, other weapon, or dangerous instrument.

### **Remotely Activated Paging Devices (Beepers)**

No student shall bring or possess a remotely activated paging device on any property used for school purposes without the written permission of the Chief School Administrator. Permission shall not be granted unless and until the student has established a reasonable basis for possessing the device.

Student members of a volunteer fire company or first aid, ambulance or rescue squad may carry remotely activated paging devices provided that:

- A. The student is required to respond to an emergency, and
- B. A copy of the statement by the chief executive officer of the volunteer fire company or first aid, ambulance or rescue squad authorizing the possession of the paging device is in the possession of the student at all times while the student is in possession of the remotely activated paging device.

## Implementation

The Board directs the Chief School Administrator to develop regulations to implement this policy.

## Legal References:

<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A.</u> 2C:12-1	Definition of assault
<u>N.J.S.A.</u> 2C:33-19	Paging devices, possession by students
<u>N.J.S.A.</u> 2C:39-1	Definitions
<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
<u>N.J.S.A.</u> 2C:39-6	Exemptions
<u>N.J.S.A.</u> 18A:6-1	Corporal punishment of pupils
<u>N.J.S.A.</u> 18A:36-19.2	Student locker or other storage facility; inspections; notice to students
<u>N.J.S.A.</u> 18A:37-1	Submission of pupils to authority
<u>N.J.S.A.</u> 18A:37-2	Causes for suspension or expulsion of pupils
<u>N.J.S.A.</u> 18A:37-2.1 through -2.5	Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings
<u>N.J.S.A.</u> 18A:37-7 through -12	<u>Zero Tolerance for Guns Act</u>
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsion
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u> See particularly: <u>N.J.A.C.</u> 6A:16-1.3, -1.4, -5.2, -5.4, -5.5, -5.6, -6.1, -6.2, -6.3(b),	Programs to Support Student Development
P.L. 103-382, <u>Improving America's Schools Act of 1994</u>	
Section 1702, Prohibits possession or discharge of a firearm in a school zone, Pub. L. 101-647	
Attorney General's Executive Directive No. 1988-1, Memorandum of Agreement (revised, amended)	
<u>State in re T.L.O.</u> , 94 <u>N.J.</u> 331 (1983), reversed on other grounds, <u>New Jersey v. T.L.O.</u> , 569 <u>U.S.</u> 325 (1985).	
See also Commissioners' Decisions indexed under "Pupils – Punishment of" in <u>Index to N.J. School Law Decisions</u>	
<u>No Child Left Behind Act of 2001</u> , Pub. L. 107-110, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	
<u>The New Jersey School Search Policy Manual</u> , New Jersey Attorney General (1998)	
<u>A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials</u>	

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5134**

**Name: Married/Pregnant Students**  
**Board Approval Date: November 22, 2011**

No student, whether married or unmarried, who is otherwise eligible to attend the school(s) shall be denied an educational program solely because of pregnancy, childbirth, pregnancy related disabilities, or actual or potential parenthood.

No married student who is otherwise eligible to attend the school(s) shall be denied an educational program solely because of his/her marital status.

A pregnant student who does not wish to attend regular classes or who is physically unable to do so during her pregnancy may, on her request, be assigned to either a formal alternative educational program or home instruction.

A student who has received an alternate educational program or home instruction for reasons associated with her pregnancy shall be readmitted to the regular school program upon her request and the written statement of a physician that she is physically fit to do so.

A pregnant student under the age of 18 who wishes to withdraw from the school must have the written permission of her parents/guardians.

### **Legal References:**

<u>N.J.S.A.</u> 10:51 <u>et seq.</u>	Law Against Discrimination
<u>N.J.S.A.</u> 18A:3620	Discrimination prohibited
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u> See particularly: <u>N.J.A.C.</u> 6A:71.4,1.7	Managing for Equality and Equity in Education
<u>N.J.A.C.</u> 6A:16-7.1et seq.	Code of student conduct
20 <u>U.S.C.A.</u> 1681 - Title IX of the Education Amendments of 1972	
The Comprehensive Equity Plan, New Jersey State Department of Education	

### **Possible**

<b><u>Cross References:</u></b>	*5141.3 Health examinations and immunizations
	*5145.4 Equal educational opportunity
	*6145 Extracurricular activities
	*6154 Homework/makeup work
	*6172 Alternative educational programs
	*6173 Home instruction

## The Burch Charter School of Excellence Policy

Category: Students  
Code: 5141

Name: Health  
Board Approval Date: August 14, 2017

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The Board of Trustees believes that good health is vital to successful learning. In order to help school students achieve and maintain good health, the board directs the lead person to develop student health services that employ professional personnel and interact with both parents/guardians and community health agencies. The program shall include but not be limited to:

- A. *Employment* of a supervising physician to perform those duties required by law, and to advise the lead person on all matters affecting the health of students;
- B. Employment of at least one certified school nurse to assist with physical examinations; conduct biennial scoliosis screening; conduct an audiometric screening; maintain student health records; observe and recommend to the principal or the chief school administrator the exclusion of students who show evidence of communicable disease or who have not submitted acceptable evidence of immunizations; instruct teachers on communicable diseases and other health concerns; train and supervise the emergency administration of epinephrine for school staff who have been designated as delegates; supervise other nursing tasks; provide appropriate response to Do Not Resuscitate (DNR) orders; maintain valid, current Cardiopulmonary Resuscitation (CPR) certification; review and summarize health and medical information for the Child Study Team; write and update annually the accommodation plan under Section 504 for any student who requires one;
- C. Provision of proper and adequate facilities, equipment and supplies for professional health personnel and other staff;
- D. Establishment of a system of student health records in compliance with state law;
- E. Implement the New Jersey Student Learning Standards in physical education, health, family life, safety, and use of drugs, alcohol, tobacco and anabolic steroids; recommendations for appropriate equipment and supplies to teach such courses;
- F. Development of rules and procedures to foster good student health, and periodic dissemination of these rules and procedures to the staff;
- G. Development of a program to provide safe drinking water and otherwise to maintain the buildings, grounds, facilities and equipment of the school in sanitary condition in accordance with law;
- H. Development and enforcement of an eye protection program as required by statute and administrative code;
- I. A regular report to the Board on progress and accomplishments in the field of student health;
- J. Health services to staff that support student health;
- K. Provision of emergency services for injury and sudden illness;
- L. Provision for required physical examinations including an examination to certify that a student returning to school after suffering a contagious/infectious condition or illness is no longer a threat to the health of others;
- M. Development of all regulations and procedures necessary for evaluation of students suspected of being under the influence of drugs/alcohol, tobacco or anabolic steroids;
- N. Encouragement of correction of defects through fully informing students and parents/guardians concerning the findings of health examinations for scoliosis.
- O. Preparation for the potential disruption of a pandemic flu outbreak, such as avian flu, by filling out a school preparedness checklist available from [www.pandemicflu.gov](http://www.pandemicflu.gov) or NJSBA, with periodic reports to the school board of trustees on steps the school has already taken, as well as additional steps that need to be taken, to prepare for a flu pandemic.

### Annual Nursing Plan

The Chief School Administrator (or his/her designee) in conjunction with the school physician and the certified school nurse shall develop an annual Nursing Services Plan. The Nursing Services Plan shall describe in detail the nursing services to be provided in the school based on the needs of its students, potential emergency situations, basic nursing services requirements, and the assignment of medical staff to provide

the services. The Nursing Services Plan shall be adopted annually at a regular meeting and submitted to the Executive County Superintendent of Schools for review and approval. The Nursing Services Plan shall include:

- A. A description of the basic nursing services provided all students;
- B. A summary of specific medical needs of individual students and the services required to address the needs;
- C. A description of how nursing services will be provided in an emergency;
- D. Detailed nursing assignments for all school buildings.

### **Students with Diabetes**

As used in this policy, an "individualized healthcare plan" means a document setting out the health services needed by the student at school, and an "individualized emergency healthcare plan" outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation. Both are to be developed by the school nurse, in consultation with the parent or guardian of a student with diabetes and other medical professionals who may be providing diabetes care to the student, and signed by the parent or guardian.

The board believes that diabetes is a serious chronic disease that impairs the body's ability to use food, and must be managed 24 hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels that are either too high or too low. In order to manage their disease, students with diabetes must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

Accordingly, a parent or guardian of a student with diabetes shall inform the school nurse, who shall develop an individualized healthcare plan and an individualized emergency healthcare plan for the student. Further, the parent or guardian must annually provide to the board of education written authorization for the provision of diabetes care as outlined in the plans, including authorization for the emergency administration of glucagon.

Both plans shall be updated by the school nurse prior to the beginning of each school year and as necessary if there is a change in the student's health status. The plans may include elements specified in N.J.S.A. 18A:40-12.13 including, but not limited to:

- A. The symptoms of hypoglycemia for that particular student and the recommended treatment;
- B. The symptoms of hyperglycemia for that particular student and the recommended treatment;
- C. The frequency of blood glucose testing;
- D. Written orders from the student's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
- E. Times of meals and snacks, and accommodations for exercise and sports, school trips and other school related activities.
- F. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;
- G. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
- H. Education of all school personnel who may come in contact with the student about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
- I. Medical and treatment issues that may affect the educational process of the student with diabetes; and
- J. How to maintain communications with the student, the student's parent or guardian and healthcare team, the school nurse, and the educational staff.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff is trained in the care of these students, including staff working with school-sponsored programs outside of the regular school day. The

school nurse shall also ensure that each school bus driver that transports a student with diabetes is provided notice of the student's condition, how to treat hypoglycemia, and emergency/parent contact information. A reference sheet identifying signs and symptoms of hypoglycemia shall be posted in plain view within school buildings.

The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the board of education, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified healthcare professional, when a school nurse is not physically present at the scene.

Upon written request of the parent or guardian and as provided in the individualized healthcare plan, the student shall be allowed to attend to the management and care of his/her diabetes in the classroom, on school grounds or at any school-related activity, if evaluated and determined to be capable of doing so consistent with the plan. The student's management and care of his/her diabetes shall include the following:

- A. Performing blood glucose level checks;
- B. Administering insulin through the insulin delivery system the student uses;
- C. Treating hypoglycemia and hyperglycemia;
- D. Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes;
- E. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individual healthcare plan; and
- F. Otherwise attending to the management and care of the student's diabetes.

#### **New Jersey Family Care**

The school nurse shall ensure that the parents/guardians of students who are without medical coverage are notified of and provided information on the accessibility of the New Jersey Family Care Program in accordance with N.J.S.A. 18A:40-34.

#### **Automated Electronic Defibrillator (AED)**

Because the board recognizes that medical emergencies may occur that justify the use of AEDs, the board may acquire and maintain this equipment for use by qualified staff members. An applicable patient would exhibit all of the following signs as per American Heart Association standards on AED use:

- Is unconscious;
- Is not breathing
- Has no signs of circulation (as confirmed by a pulse check)

Only those staff members documented as having completed the required training shall be authorized to use an AED. A coach, athletic trainer, or in the absence of the coach or athletic trainer and other designated staff member, who is appropriately trained and certified in the use of the AED shall be present during athletic events or team practices. In the event that no appropriately AED trained and certified staff person can be present at athletic events or team practices, the district shall ensure that a State-certified emergency services provider or other certified first responder is on site at the event or practice.

#### **Placement, Accessibility and Maintenance of the AED**

The AED shall be:

- A. Available in an unlocked location on school property with an appropriate identifying sign;
- B. Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which pupils of the district or nonpublic school are participating;

- C. Within reasonable proximity of the school athletic field or gymnasium, as applicable;
- D. Tested and maintained according to the manufacturer's operational guidelines and notification shall be provided to the appropriate first aid, ambulance, or rescue squad or other appropriate emergency medical services provider regarding the defibrillator, the type acquired, and its location in accordance with section 3 of P.L.1999, c.34 (N.J.S.A. 2A:62A-25).

**Implementation of Procedures for Cardiopulmonary Resuscitation and AED Use**

The chief school administrator shall oversee the development and implementation of a district emergency action plan that establishes guidelines for use of the AED. The emergency action plan shall include:

- A. A list of no less than five school employees, team coaches, or licensed athletic trainers who hold current certifications from the American Red Cross, American Heart Association, or other training program recognized by the Department of Health, in cardiopulmonary resuscitation and in the use of a defibrillator. The list shall be updated, as necessary, at least once in each semester of the school year; and
- B. Detailed procedures on responding to a sudden cardiac event including, but not limited to, the identification of the persons in the school who will be responsible for: responding to the person experiencing the sudden cardiac event, calling 911, starting cardiopulmonary resuscitation, retrieving and using the defibrillator, and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Any employee, student or other individual who inappropriately accesses and/or uses an AED will be subject to disciplinary action, up to and including expulsion from school and/or termination of employment. Civil and/or criminal liability may also be imposed on any student, employee or individual who inappropriately accesses and/or uses an AED. All usage will be reported to the Board of Trustees.

**Immunity**

A school district and its employees shall be immune from civil liability in the acquisition and use of defibrillators pursuant to the provisions of section 5 of P.L.1999, c.34 (C.2A:62A-27). A person who acts with gross negligence or willful misconduct in the use of defibrillators does not enjoy immunity.

**Legal References:**

<u>N.J.S.A. 2A:62A-23 to 27</u>	AED emergency medical services
<u>N.J.S.A. 18A:16-6, - 6.1</u>	Indemnity of officers and employees against civil actions.
<u>N.J.S.A. 18A:35-4.6 et seq.</u>	<u>Parents Right to Conscience Act of 1979</u>
<u>N.J.S.A. 18A:40-1</u>	Employment of medical inspectors and nurses; salaries; terms; rules
<u>N.J.S.A. 18A:40-3</u>	Lectures to teachers
<u>N.J.S.A. 18A:40-4.3</u>	Biennial examination for scoliosis
<u>N.J.S.A. 18A:40-5</u>	Method of examination; notice to parent or guardian
<u>N.J.S.A. 18A:40-6</u>	In general
<u>N.J.S.A. 18A:40-7, - 8- 10, - 11</u>	Exclusion of pupils who are ill.
<u>N.J.S.A. 18A:40-12.11 et seq.</u>	Students with diabetes
<u>N.J.S.A. 18A:40-23 et seq.</u>	Nursing Services for Nonpublic School Pupils
<u>N.J.S.A. 18A:40-34</u>	Regulations adopted by Commissioner of Education relative to children's healthcare coverage

<u>N.J.S.A.</u> 18A:40-41a	Schools required to have an AED
<u>N.J.S.A.</u> 18A:40-41b	Emergency action plan (AED)
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 44:6-2	Maintenance by boards of education of clinics for indigent children
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-1.1, -1.3, -2.1, -2.2, -2.3, -2.4	
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of School Facilities
<u>See particularly:</u> <u>N.J.A.C.</u> 6A:26-12.3	
<u>N.J.A.C.</u> 8:57-1.1 <u>et seq.</u>	Reportable Communicable Diseases
<u>See particularly:</u>	
<u>N.J.A.C.</u> 8:57-2	Reporting of AIDS and HIV
<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by pupils or adults infected by Human Immunodeficiency (HIV)

Virus

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987), guidelines for admission of children with AIDS, the right to call witnesses and attendant right to cross-examine must be provided automatically upon request of the parties

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5141.1**

**Name: Accidents**  
**Board Approval Date: November 22, 2011**

The Chief School Administrator shall develop a program of accident prevention suited to his/her school. The lead person shall review and approve such programs. When unforeseen situations arise, and an accident occurs, a school nurse or other assigned staff member shall be responsible for providing emergency services to a child or staff member. The medical inspector shall prepare a list of first aid treatment for the most common minor injuries. This list shall be made known to the staff.

### **Guidelines for Dealing with Accident/Injury**

- A. The school nurse or another trained person shall be responsible for administering first aid. Universal precautions shall be taken in the handling of blood and body fluids to ensure the containment of bloodborne pathogens. (See policies and regulations 4112.4/4212.4 Employee health and 5141.2 Illness);
- B. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parent/guardian and/or family physician immediately;
- C. Parents/guardians shall be requested to pick up their child. If a parent/guardian is unable to provide such transportation, no student who is injured shall be sent home alone. A student who is injured shall not be taken home unless it is known that someone is there to receive him/her;
- D. In extreme emergencies, the school nurse, school doctor, principal or chief school administrator may make arrangements for immediate hospitalization of injured students, contacting parents/guardians in advance if at all possible;
- E. The teacher or other staff member who is responsible for a child at the time an accident occurs shall make out a report within 24 hours on an official form providing details about the accident. This shall be required for every accident whether first aid is necessary or not;
- F. Any injuries or accidents to students shall be reported as soon as possible to the lead person and the board.

Staff shall be informed at the beginning of each school year of the accident prevention program and procedures to be followed in case of an accident/injury.

### **Emergency Medical Procedures for Sports/Athletics**

The board of trustees recognizes its responsibility for student safety encompassing all aspects of sports and athletic events in both intramural and interscholastic programs. The board directs the lead person to develop and implement emergency medical procedures to ensure delivery of appropriate emergency medical services for all practice sessions, competitive contests, games, events, or exhibitions with individual students or teams of the school whether among themselves or with students of other schools.

The board further directs that these emergency medical procedures be disseminated to appropriate personnel within the school and address practice sessions and both home and away events.

The board directs the lead person to report on the effectiveness of the emergency medical procedures to the board annually for its review.

### **Legal References:**

<u>N.J.S.A.</u> 18A:113	Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
<u>N.J.S.A.</u> 18A:166	Indemnity of officers and employees against civil actions
<u>N.J.S.A.</u> 18A:166.1	Indemnity of officers and employees in certain criminal actions
<u>N.J.S.A.</u> 18A:40-25	Boards of education to provide nursing care to students in nonpublic schools

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly: N.J.A.C. 6A:16-1.4, -2.1, -2.3, -2.4

N.J.A.C. 6A:26-12.2(a)2iii Policies and procedures for school facility operation

N.J.A.C. 6A:27-12.2 Accident reporting

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

N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection

HIV Policy and Practice: Regulatory Requirements for New Jersey Public Schools, SDOE Division of Student Services, Sept. 1996, Doc. #P101400-31

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5141.2**

**Name: Illness**  
**Board Approval Date: November 22, 2011**

When students are taken suddenly ill in school, they shall be sent or escorted to the nurse's office. If the nurse is not in the medical office, the student shall be sent or taken to the school's office. In general, the same procedures that apply to accidents shall apply to sudden student illness. The lead person, in cooperation with the medical inspector, shall implement this policy.

### **Control of Contagious Diseases or Conditions**

In order to protect the health of the students in our school, all regulations of the State Department of Education, the State Department of Health and the local Board of Health shall be scrupulously observed, particularly those dealing with contagious or infectious diseases or conditions. Students who have been absent because of contagious or infectious diseases or conditions must present a certificate of recovery from a licensed physician or be examined by the medical inspector.

The school nurse shall observe students who show evidence of communicable disease and recommend their exclusion to the Chief School Administrator. Recommendations shall be consistent with reporting requirements on communicable diseases as set forth in the New Jersey Health Code. Such students shall be isolated in the nurse's office until a parent/guardian picks them up, and any necessary measures have been taken to prevent spread of the infection. The school nurse, under the direction of the medical inspector, shall instruct all teachers in the symptoms of the most common diseases or conditions at least once a year.

Any student with HIV infection or AIDS or who lives with or is related to someone with HIV or AIDS shall not be excluded from general education, transportation services, extracurricular activities, athletic activities, assigned to home instruction or classified as eligible for special education because of the HIV infection. The school nurse shall recommend the exclusion of any individual with weeping skin lesions that cannot be covered.

In addition to the review of health and safety measures required by law, the school nurse shall individually instruct teachers from whose classrooms a student has been excluded in the symptoms of the disease for which the student was excluded. Student rights and confidentiality shall be protected in accordance with law. No teacher shall attempt to diagnose any illness of a student, but shall refer suspected cases to the nurse immediately.

### **Handling Blood and Body Fluids**

The lead person and medical inspector shall develop detailed routine procedures based on New Jersey administrative code and guidelines from the Centers for Disease Control for proper handling of blood and body fluids resulting from illness/accidents in the school. These procedures shall be disseminated to all school staff and volunteers.

The medical inspector shall report all cases of communicable disease to the local Board of Health as required by law.

### **Legal References:**

<u>N.J.S.A.</u> 18A:166	Indemnity of officers and employees against civil actions
<u>N.J.S.A.</u> 18A:166.1	Indemnity of officers and employees in certain criminal actions
<u>N.J.S.A.</u> 18A:403	Lectures to teachers
<u>N.J.S.A.</u> 18A:407	Exclusion of pupils who are ill
<u>N.J.S.A.</u> 18A:408	Exclusion of pupils whose presence is detrimental to health and cleanliness
<u>N.J.S.A.</u> 18A:4010	Exclusion of teachers and pupils exposed to disease
<u>N.J.S.A.</u> 18A:4011	Exclusion of pupils having communicable tuberculosis
<u>N.J.S.A.</u> 18A:4012	Closing schools during epidemic

<u>N.J.S.A.</u> 18A:40-25	Boards of education to provide nursing care to students in nonpublic schools
<u>N.J.S.A.</u> 26:46	Prohibiting attendance of teachers or pupils
<u>N.J.S.A.</u> 26:415	Reporting of communicable diseases by physicians
<u>N.J.S.A.</u> 26:5C-1 <u>et seq.</u>	AIDS Assistance Act
<u>N.J.S.A.</u> 26:2T-1	Newly diagnosed Hepatitis C case; information, reports
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u> <u>N.J.A.C.</u> 6A:16-1.3, -1.4, -2.1 <u>et seq.</u>	
<u>N.J.A.C.</u> 8:57-1.1 <u>et seq.</u>	Reportable Communicable Diseases
<u>See particularly:</u> <u>N.J.A.C.</u> 8:571.3, -1.7, -2	
<u>N.J.A.C.</u> 8:611.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

## The Burch Charter School of Excellence Policy

Category: Students  
Code: 5141.3

Name: Health Examinations and Immunizations  
Board Approval Date: August 14, 2017

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### HEALTH EXAMINATIONS AND IMMUNIZATIONS

Pupils who enter the school for the first time shall have a medical examination conducted at the medical home of the student, and a full report sent to the school. If a student does not have a medical home, the school shall provide this examination at the school physician's office or other appropriately equipped facility. "Medical home" means a health care provider and that provider's practice site chosen by the student's parent/guardian for the provision of health care. As the school physician is also a health care provider, the parent/guardian may request that the school physician provide the medical examination.

A pupil shall be exempted from mandatory immunization if the parent/guardian objects to immunization in a written statement submitted to the or chief school administrator, signed by the parent/guardian, explaining how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.

Every pupil who enters the district schools for the first time shall present an immunization record as required by law. At the parent/guardian's request, these immunizations may be administered by the school physician. NOTE: THIS IS PERMISSIVE, NOT REQUIRED.

In order to protect the health of the children and staff in district schools, all regulations of the state department of education, the state department of health and the local board of health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases or conditions.

Pupils seeking to enter school who have been identified as having a communicable/infectious disease or condition shall not be enrolled unless they qualify under the above agencies' rules pertaining to periods of incubation, communicability, quarantine and reporting.

The chief school administrator or his/her designee shall formulate regulations that ensure immunization records are reviewed and updated annually pursuant to N.J.A.C. 8:57-4.1 through 4.16. The chief school administrator shall also formulate regulations for this policy and for regular pupil health examinations at appropriate grade levels; before participation in sports programs; and for tuberculosis, scoliosis, hearing loss, visual acuity and any other physical examinations required by law. Any health defects revealed by any examination given by the school health services must be reported to the parent/guardian. The board shall review the regulations and adopt those required by law.

#### Parent Notice

In accordance with federal law, the Protection of Pupil Rights Amendment (PPRA), parents/guardians shall be notified annually of the opportunity for the parent/guardian to opt the student out of any non-emergency, invasive physical examination or screening that is:

- A. Required as a condition of attendance;
- B. Administered by the school and scheduled by the school in advance; and
- C. Not necessary to protect the immediate health and safety of the student, or of other students.

#### **Legal References:**

<u>N.J.S.A.</u> 18A:35-4.6 through - 4.8	Parents Rights to Conscience Act of 1979
<u>N.J.S.A.</u> 18A:40-4	Examination for physical defects and screening of hearing of pupils; health records
<u>N.J.S.A.</u> 18A:40-4.3	Scoliosis; periodic examination; notice to parents or guardian

<a href="#"><u>N.J.S.A.</u></a> 18A:40-4.4	Exemption
<a href="#"><u>N.J.S.A.</u></a> 18A:40-4.5	Immunity from action of any kind due to provisions of act
<a href="#"><u>N.J.S.A.</u></a> 18A:40-5	Method of examination; notice to parent or guardian
<a href="#"><u>N.J.S.A.</u></a> 18A:40-6	In general
<a href="#"><u>N.J.S.A.</u></a> 18A:40-11	Exclusion of pupils having communicable tuberculosis
<a href="#"><u>N.J.S.A.</u></a> 18A:40- through - 19	Tuberculosis infection; determination of presence
<a href="#"><u>N.J.S.A.</u></a> 18A:40-20	Immunization at public expense
<a href="#"><u>N.J.S.A.</u></a> 18A:61D-8 through -10	Findings, declarations relative to Hepatitis B vaccinations
<a href="#"><u>N.J.S.A.</u></a> 26:1A-9.1	Exemption of pupils from mandatory immunizations
<a href="#"><u>N.J.S.A.</u></a> 26:4-6	Prohibiting attendance of teachers or pupils
<a href="#"><u>N.J.S.A.</u></a> 26:2T-5 through -9	Findings, declarations relative to Hepatitis C
<a href="#"><u>N.J.A.C.</u></a> 6A:14-3.4	Evaluation
<a href="#"><u>N.J.A.C.</u></a> 6A:16-1.1 <u>et seq.</u> See particularly: <a href="#"><u>N.J.A.C.</u></a> 6A:16-1.3, -1.4, -2.1, -2.2, -2.3, -2.4, -4.1, -4.3	Programs to Support Student Development
<a href="#"><u>N.J.A.C.</u></a> 6A:32-9.1	Athletics Procedures
<a href="#"><u>N.J.A.C.</u></a> 8:57-2	Reporting of acquired immunodeficiency syndrome and infection with Human Immunodeficiency Virus
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.1	Applicability
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.2	Proof of immunization
<a href="#"><u>N.J.A.C.</u></a> 8:57-4 .3	Medical exemptions
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.4	Religious exemptions
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.5	Provisional admission
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.6	Documents accepted as evidence of immunization
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.7	Records required
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.8	Reports to be sent to the State Department of Health
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.9	Records available for inspection
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.10	Diphtheria and tetanus toxoids and pertussis vaccine
<a href="#"><u>N.J.A.C.</u></a> 8:57-4.11	Poliovirus vaccine

<u>N.J.A.C.</u> 8:57-4.12	Measles virus vaccine
<u>N.J.A.C.</u> 8:57-4.13	Rubella vaccine
<u>N.J.A.C.</u> 8:57-4.14	Mumps vaccine
<u>N.J.A.C.</u> 8:57-4.15	Haemophilus influenzae type b (Hib) conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.16	Hepatitis B virus vaccine
<u>N.J.A.C.</u> 8:57-4.17	Varicella virus vaccine
<u>N.J.A.C.</u> 8:57-4.18	Pneumococcal conjugate vaccine
<u>N.J.A.C.</u> 8:57-4.19	Influenza vaccine
<u>N.J.A.C.</u> 8:57-4.20	Meningococcal vaccine
<u>N.J.A.C.</u> 8:57-4.21	Providing immunization
<u>N.J.A.C.</u> 8:57-4.22	Emergency power of the Commissioner, Department of Health and Senior Services
<u>N.J.A.C.</u> 8:61-2.1	Attendance at school by pupils or adults infected by Human Immunodeficiency Virus (HIV)
20 <u>U.S.C.A.</u> 1232h	Protection of Pupil Rights Amendment
<u>Plainfield Board of Education v. Cooperman</u> , 105 NJ 587 (1987)	
<u>Every Student Succeeds Act</u> , Pub. L. 114-95, 20 <u>U.S.C.A.</u> 6301 <u>et seq.</u>	

## The Burch Charter School of Excellence Policy

Category: Students  
Code: 5141.4

Name: Missing, Abused and Neglected Children  
Board Approval Date: August 14, 2017

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### **MISSING, ABUSED AND NEGLECTED CHILDREN**

The board of education believes that a child's physical and mental well-being must be maintained as a prerequisite to the achievement of the New Jersey Student Learning Standards. The board therefore believes that it is important to identify and investigate suspected incidents involving missing, abused or neglected children immediately. The school district will cooperate with the New Jersey Division of Child Protection and Permanency (DCP&P) and law enforcement authorities in identifying and reporting all such cases, whether institutional or noninstitutional.

In order to increase awareness of the signs and symptoms of missing, abused and neglected children and cause employees, volunteers and interns to be better informed on all aspects of missing, abused and neglected children, the board directs the chief school administrator to provide information and in-service training on these subjects to all school employees, volunteers and interns. Specifically this training shall include information on the district's policies and procedures for reporting allegations of missing, abused, or neglected child situations. All new employees, volunteers and interns shall receive the required information and training as part of their orientation.

#### **Liaisons to DCP&P and Law Enforcement Authorities**

The chief school administrator shall designate a staff member or staff members who shall act as liaison between DCP&P and the district. The liaison shall facilitate communication and cooperation between the district and/or the school and DCP&P and act as primary contact between the schools and DCP&P.

The chief school administrator shall also designate a staff member or staff members who shall act as liaison between law enforcement authorities and the district. The liaison shall facilitate communication and cooperation between the district and law enforcement authorities and act as primary contact between the school and law enforcement.

#### **Reporting Procedures**

The chief school administrator is directed to develop procedures for compliance with statutory requirements that suspected incidents of potentially missing, abused and neglected children be reported. The following procedures shall apply:

- A. All staff members, volunteers and interns having contact with pupils are required to report directly and immediately to DCP&P all incidents of alleged missing, abused and neglected children. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the principal or chief school administrator or other designated school officials prior to notifying DCP&P if the action will not delay immediate notification. Employees, volunteers and interns shall not be required to obtain confirmation by another person to report a suspected missing, abused or neglected child situation;
- B. The person notifying DCP&P shall inform the principal, the chief school administrator or other designated school officials of the notification, if this was not done prior to notifying DCP&P. The principal, the chief school administrator or other designated school officials should not be given this notification if the person making the notification believes that it would likely endanger the reporter or student involved or result in retaliation against the student or in discrimination against the reporter with respect to his or her employment;
- C. The principal or chief school administrator shall notify the law enforcement authorities of incidents of potentially missing, abused, or neglected child situations. Law enforcement authorities shall be notified about all reports by employees, volunteers, or interns working in the school district. Procedures for the notification of the law enforcement authority shall be consistent with the district Memorandum of Agreement (see board policy 1410 Local Units);
- D. The principal or chief school administrator shall ensure that all involved staff cooperate with DCP&P and law enforcement authorities in all investigations of potential missing, abused, or neglected children including facilitating:

1. Accommodations permitting investigators to interview the student in the presence of the school principal, chief school administrator or other designated school official. If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern he or she feels will be supportive to be present during the interview;
2. Interviews by scheduling time with any employee, volunteer, or intern who may have information relevant to the investigation;
3. The release of all records of the student who is the subject of the investigation that are deemed relevant to the assessment or treatment of a potentially missing, abused, or neglected child;
4. The maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations;
5. The release of the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider. This removal shall take place only after the principal, chief school administrator or his or her designee has been provided, either in advance or at the time removal is sought, with appropriate documentation that DCP&P has already removed, or has appropriate authority to remove, the student from his or her home;
6. The transfer to another school of a student who has been removed from his or her home by DCP&P for proper care and protection (see board policy 5118.2 Foster Care and Educational Stability).

### **Due Process**

Due process rights will be provided to school personnel, volunteers or interns who have been reassigned or suspended as a result of an accusation of child abuse or neglect. Temporary reassignment or suspension of an employee, with pay, volunteer or intern named as a suspect in an act of child abuse or neglect shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer or intern and a student. Due process rights shall include notice of the proposed suspension and a pre-suspension opportunity to respond.

If abuse is found, resulting from a single incident occurring in the school district, the chief school administrator shall be available to meet with the Department of Children and Families, which may request that the chief school administrator create a corrective action plan. The plan may include, but shall not be limited to, action to be taken with respect to a teacher, intern, employee, volunteer or other staff member to assure the health and safety of the alleged victim and other children and to prevent future acts of abuse or neglect. Within 30 days of the date the Department requested the remedial plan, the chief school administrator shall notify the Department in writing of the progress in preparing the plan. The chief school administrator shall complete the plan within 90 days of the date the Department requested the plan.

If the child abuse or neglect is the result of several incidents occurring in the school district, within 30 days of receipt of the report of child abuse or neglect, the Department of Children and Families may request that the chief school administrator make administrative, personnel or structural changes within the district.

### **Records**

All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required to cooperate in investigations. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the school district chief school administrator or his or her designee.

All references to a notification to the designated DCP&P caseworker of a potential missing, abused, or neglected child situation involving a school district employee shall be removed from employee personnel records immediately following the receipt of an official notice from DCP&P that such allegations were unfounded.

### **Suicide Reporting**

The board is committed to supporting State efforts to improve the information available to both professionals, who are in contact with youth at risk of suicide, and families at risk; identify and provide suitable intervention services to reduce the incidence of suicide; and educate youths and families at risk about the resources available for suicide prevention and intervention about youths who attempt suicide.

Therefore, in compliance with law (N.J.S.A. 30:9A-24 and N.J.A.C. 6A:11-1) school district employees, volunteers, or interns with reasonable cause to suspect or believe that a student has attempted or completed suicide, shall report the information to the Department of Children and Families. The information shall be reported in the form and manner prescribed by the Department of Children and Families.

The information contained in the report to Department of Children and Families shall not be considered a public record, but the division may aggregate the data for the purpose of preparing an annual report. The reporter shall not be required to identify the student or youth by name or other unique identifier, but may be required to supply non-identifying demographic information about the student or youth, other attempts made by the student or youth and the response or referral made to deal with the incident.

Any person who reports an attempted or completed suicide shall have immunity from any civil or criminal liability on account of that report, unless the person has acted in bad faith or with malicious purpose.

**Protection from Reprisal or Retaliation**

The board assures all school personnel and volunteers that no one will be discharged from employment or discriminated against in any way as a result of making in good faith any reports of child abuse and neglect. Reprisal or retaliation against any person who, in good faith, reports or causes a report to be made of a potential missing, abused or neglected child situation is prohibited.

Staff members, volunteers or interns shall not be required to disclose, or be penalized for the failure to disclose, any information which would be privileged according to law (N.J.S.A. 2A:84A-18 through -23).

**Legal References:**

<u>N.J.S.A.</u> 2A:4A-60.2	Disclosure, use of juvenile's statement made in course of screening
<u>N.J.S.A.</u> 2A:84A-18 through -23	Self-incrimination
<u>N.J.S.A.</u> 2C:11-6	Aiding suicide
<u>N.J.S.A.</u> 2C:58-8	Certain wounds and injuries to be reported
<u>N.J.S.A.</u> 9:6-1 <u>et seq.</u>	Abuse, abandonment, cruelty and neglect of child; what constitutes
<u>See particularly:</u>	
<u>N.J.S.A.</u> 9:6-3.1; - 8. through - 8.14; - 8.21; -8.27 through -8.30; -8.34 through -8.36; -8.40; - 8.46; - 8.56	
<u>N.J.S.A.</u> 18A:6-7a, -10, -11, -13, -14, - 18.1, - 30, -30.1	Removal from personnel files of reference to complaint of child abuse or neglect determined to be unfounded
<u>N.J.S.A.</u> 18A:6-111	Findings, declarations relative to instruction in suicide prevention in public schools
<u>N.J.S.A.</u> 18A:6-112	Instruction in suicide prevention for public school teaching staff.
<u>N.J.S.A.</u> 18A:6-113	Provision for instruction in suicide prevention in school curriculum
<u>N.J.S.A.</u> 18A:36-19	Pupil records; creation; maintenance and retention, security and access; regulations; nonliability

<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:36-24 <u>et seq.</u>	Missing children; legislative findings and declarations
<u>N.J.S.A.</u> 30:9A-22	Findings, declarations relative to youth suicide
<u>N.J.S.A.</u> 30:9A-23	Definitions relative to youth suicide
<u>N.J.S.A.</u> 30:9A-24	Report by teacher of attempted, completed suicide by student
<u>N.J.S.A.</u> 52:17B-9.8a <u>et seq.</u>	Marking of missing child's school record
<u>N.J.A.C.</u> 6A:16-11.1	District policies and procedures; reporting potentially missing or abused children
<u>N.J.A.C.</u> 6A:32-7.1	Student records

Corresponds to NJSBA Policy No. 5141.4

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5141.5**

**Name: Diabetes Management**  
**Board Approval Date: August 20, 2013**

Diabetes is a serious chronic disease and must be managed twenty-four hours a day in order to avoid the potentially life-threatening short-term consequences of blood sugar levels. In order to manage their diabetes, pupils must have access to the means to balance food, medications, and physical activity level while at school and at school-related activities.

The parent or legal guardian of a pupil with diabetes who seeks diabetes care for the pupil while at school shall inform the school nurse who shall develop an individualized healthcare plan and an individualized emergency healthcare plan for the pupil. The individualized healthcare plan and individualized emergency healthcare plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event there is a change in the health status of the pupil.

The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of pupils with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the health care plan and the individualized emergency health care plan. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a pupil with diabetes who is experiencing severe hypoglycemia.

The school nurse shall designate, in consultation with the Superintendent of Schools or designee, additional employees of the school district who volunteer to administer glucagon to a pupil with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified healthcare professional, when a school nurse is not physically present at the scene.

Upon the written request of the parent or legal guardian and as provided in a pupil's individualized healthcare plan, the pupil will be permitted to manage and care for his/her diabetes as needed in the classroom, in any area of the school or school grounds, or at any school-related activity provided the pupil has been evaluated and determined to be capable of doing so as reflected in the pupil's individualized healthcare plan.

The Principal or the Chief School Administrator or school nurse shall, for each pupil with diabetes whom a school bus driver transports, provide the driver with a notice of the pupil's condition, how to treat hypoglycemia, who to contact in an emergency, and parent(s) or legal guardian(s) contact information.

Designated areas of the school building shall have posted, in plain view, a reference sheet identifying signs and symptoms of hypoglycemia in pupils with diabetes.

A pupil's school choice, if there is a choice option, shall not be restricted due to the fact the pupil has diabetes.

N.J.S.A. 18A:40-12.11 through 18A:40-12.21

Adopted: (Date needed)

### **Regulation**

#### **Definitions**

1. "Individualized emergency health care plan" means a document developed by the school nurse, in consultation with the parent of a pupil with diabetes and other appropriate medical professionals, which is consistent with the recommendations of the pupil's health care provider(s) and which outlines a set of procedural guidelines that provided specific directions about what to do in a particular emergency situation and is signed by the parent and the school nurse.

2. "Individualized healthcare plan" means a document developed by the school nurse, in consultation with the parent of a pupil with diabetes and other appropriate medical professionals who may be providing diabetes care to the pupil, which is consistent with the

recommendations of the pupil's health care provider(s) and which sets out the health services needed by the pupil at school and is signed by the parent and the school nurse.

3. "Parent" means parent or legal guardian.

**B. Health Care Plans for Pupils with Diabetes**

1. The parent of a pupil with diabetes who seeks diabetes care for the pupil while at school shall inform the school nurse who shall develop an individualized healthcare plan and an individualized emergency healthcare plan for the pupil.
  - a. The parent of the pupil with diabetes shall annually provide to the Principal, the Chief School Administrator and the school nurse a signed written request and authorization for the provision of diabetes care as may be outlined in the individualized health care plan, which shall include authorization for the emergency administration of glucagons and, if requested by the parent, authorization for the pupil's self-management and care of his/her diabetes; and
  - b. If such a request is made by a pupil's parent, the pupil's physician or advanced practice nurse must provide a signed written certification to the Principal, the Chief School Administrator and the school nurse that the pupil is capable of, and has been instructed in, the management and care of his/her diabetes.
2. The individualized healthcare plan and individualized emergency healthcare plan shall be updated by the school nurse prior to the beginning of each school year and as necessary if there is a change in the health status of the pupil.
3. Each individualized healthcare plan shall include, and individualized emergency healthcare plan may include, the following information:
  - a. The symptoms of hypoglycemia for that particular pupil and the recommended treatment;
  - b. The frequency of blood glucose testing;
  - c. Written orders from the pupil's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
  - d. Times of meals and snacks and indications for additional snacks or exercise;
  - e. Full participation in exercise or sports, and any contraindications to exercise, or accommodations that must be made for the particular pupil;
  - f. Accommodation for school trips, after-school activities, class parties, and other school-related activities;
  - g. Education of all school personnel who may come in contact with the pupil about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
  - h. Medical and treatment issues that may affect the educational process of the pupil with diabetes; and
  - i. How to maintain communication with the pupil, the pupil's parent and health care team, the school nurse, and the educational staff.
4. The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of pupils with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the individualized healthcare plan and the individualized emergency health care plan.

**C. Authorized Employees for Administration of Glucagon**

1. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a pupil with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the Superintendent of Schools or

designee, additional employees of the school district who volunteer to administer glucagon, following training by the school nurse or other qualified healthcare professional, when a school nurse is not physically present at the scene.

2. In accordance with the provisions of N.J.S.A. 18A:40-12.14, the activities described in C.1. above shall not constitute the practice of nursing and shall be exempted from all applicable statutory or regulatory provisions that restrict the activities that may be delegated to a person who is not a licensed health care professional.
3. In accordance with the provisions of N.J.S.A. 18A:40-12.14, if a licensed athletic trainer volunteers to administer glucagon to a pupil with diabetes as described in C.1. above, it shall not constitute a violation of the "Athletic Training Licensure Act." P.L.1984, c.203 (C.45:9-37.35 et seq.).

**D. Management and Care of Diabetes by Pupil**

1. Upon written request and authorization from the parent submitted to the Principal or the Chief School Administrator and school nurse and as provided in the pupil's individualized healthcare plan, the school district shall allow the pupil to manage and care for his/her diabetes as needed in the classroom, in any area of the school or school grounds, or at any school-related activity provided the pupil has been evaluated and determined to be capable of doing so as reflected in the pupil's individualized healthcare plan. The pupil's management and care of his/her diabetes shall include the following:
  - a. Performing blood glucose level checks;
  - b. Administering insulin through the insulin delivery system the pupil uses;
  - c. Treating hypoglycemia and hyperglycemia;
  - d. Possessing on the pupil's person at any time the supplies or equipment necessary to monitor and care for the pupil's diabetes;
  - e. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individualized healthcare plan; and
  - f. Otherwise attending to the management and care of the pupil's diabetes.

**E. Release for Sharing of Certain Medical Information**

1. The school nurse shall obtain a release from the parent of a diabetic pupil to authorize the sharing of medical information between the pupil's physician or advanced practice nurse and other health care providers.
2. The release shall also authorize the school nurse to share medical information with other staff members of the school district as necessary.

**F. Immunity From Liability**

1. No school employee, including a school nurse, a school bus driver, a school bus aide, or any other officer or agent of the Board of Education shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.11 through 18A:40-12.21, nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person trained in good faith by the school nurse pursuant to this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

**G. Possession of Syringes**

1. The possession and use of syringes consistent with the purposes of N.J.S.A. 18A:40-12.11 through 18A:40-12.21 and Policy 5338 shall not be considered a violation of applicable statutory or regulatory provisions that may otherwise restrict or prohibit such possession and use.



## The Burch Charter School of Excellence Policy

Category: Students  
Code: 5141.8

Name: Sports-Related Concussion and Head Injury  
Board Approval Date: November 22, 2011

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A concussion is a traumatic brain injury (TBI) caused by a direct or indirect blow to the head or body.

### Requirements

- A. A student who participates in interscholastic athletics and who sustains or is suspected of sustaining a concussion or other head injury shall be immediately removed from the completion or practice. Student athlete may not return to play until they obtain medical clearance in compliance with the school return-to-play policy;
- B. All coaches, school nurses, school/team physicians and certified athletic trainers must complete an interscholastic head injury training program;
- C. The athletic head injury training program must include:
  - 1. The recognition of the symptoms of head and neck injuries, concussions, and injuries related to second impact syndrome; and
  - 2. Describe the appropriate time to delay the return to sports competition or practice of a student –athlete who has sustained a head injury or other head injury, but if no additional time is specified for a particular age-group or sport, the student-athlete may return when written medical clearance is given the student-athlete stating that he/she is asymptomatic, and the student-athlete has completed an appropriate graduated individualized return-to-play protocol.
- D. An athletic head injury training program such as the National Federation of State High Schools Association online “Concussion in Sports” training program or a comparable program that meets mandated criteria shall be completed by the above-named staff or others named by the school policy;
- E. Distribution of New Jersey Department of Education, *Concussion and Head Injury Fact Sheet* to every student-athlete who participates in interscholastic sports. The school shall obtain a signed acknowledgement of the receipt of the fact sheet by the student-athlete’s parent/guardian and keep on file for future reference.

### Prevention and Treatment of Sports Related Concussions and Head Injuries

A student-athlete who is suspected of sustaining a sports-related concussion or other head injury during competition or practice shall be immediately removed from play and may not return to play that day.

- A. **Possible Signs (could be observed by coaches, athletic trainer, school/team physician, school nurse):**
  - 1. Appears dazed, stunned, or disoriented;
  - 2. Forgets plays, or demonstrates short term memory difficulty;
  - 3. Exhibits difficulties with balance or coordination;
  - 4. Answers questions slowly or inaccurately;
  - 5. Loses consciousness;
- B. **Possible symptoms (reported by the student athlete to coaches, athletic trainer, school/ team physician, school nurse, parent/guardian):**
  - 1. Headache;
  - 2. Nausea/vomiting;
  - 3. Balance problems or dizziness;
  - 4. Double vision or changes in vision;
  - 5. Sensitivity to light or sound/noise;

6. Feeling sluggish or foggy;
7. Difficulty with concentration and short term memory;
8. Sleep disturbance.

**C. To return to competition and practice the student-athlete must follow the protocol:**

1. Immediate removal from competition or practice;
2. School personnel (athletic trainer, school nurse, coach, etc.) should make contact with the student-athlete parent/guardian and inform them of the suspected sports related concussion or head injury;
3. School personnel (athletic trainer, school nurse, coach, etc.) shall provide student-athlete with the board approved information/medical checklist to provide their parent/guardian and physician or other licensed healthcare professional.
4. Student-athlete must receive written clearance from their physician that student is asymptomatic and may begin the graduated return-to-play protocol. School personnel (athletic trainer, school nurse, coach, etc. may consult with school/team physician after medical clearance is given from student-athletes physician).

**Graduated Return to Competition and Practice Protocol**

A. After written medical clearance is given the student-athlete stating that they are asymptomatic, the student-athlete may begin a graduated individualized return-to-play protocol such as:

Step 1: No activity, complete physical and cognitive rest. The objective of this step is recovery;

Step 2: Light aerobic exercise, which includes walking, swimming, or stationary cycling, keeping the intensity less than 70% maximum percentage heart rate: no resistance training. The objective of this step is increased heart rate;

Step 3: Sport-specific exercise including skating, and/or running; no head impact activities. The objective of this step is to add movement;

Step 4: Non-contact training drills (e.g. passing drills). The student-athlete may initiate progressive resistance training;

Step 5: Following medical clearance (consultation between school personnel and student athlete's physician), participation in normal training activities. The objective of this step is to restore confidence and assess functional skills by the coaching staff;

Step 6: Return to play involving normal exertion or game activity.

B. Symptom checklists, baseline testing and balance testing may be utilized;

C. If the student athlete exhibits a re-emergence of any post-concussion signs or symptoms once he or she returns-to-play, they will be removed from exertional activities and returned to their school/team physician or primary care physician;

D. If concussion symptoms reoccur during the graduated return-to-play protocol, the student-athlete will return to the previous level of activity that caused no symptoms.

**Temporary Accommodations for Student-Athletes with Sports Related Head Injuries**

A. Consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports related concussions and head injuries.

B. Mental exertion increases the symptoms from concussions and affects recovery.

C. To recover, cognitive rest is just as important as physical rest. Reading, studying, testing, texting – even watching movies if a student is sensitive to light – can slow down a student's recovery.

D. In accordance with the Centers for Disease Control's toolkit on managing concussions the board of trustees may look to address the students cognitive needs in the following ways.

- E. Students who return to school after a concussion may need to:
1. Take rest breaks as needed;
  2. Spend fewer hours at school;
  3. Be given more time to take tests or complete assignments;
  4. Receive help with schoolwork;
  5. Reduce time spent on the computer, reading, and writing;
  6. Be granted early dismissal from classes to avoid crowded hallways.

**Implementation**

- A. A training program and policy for the prevention and treatment of sports related concussions and head injuries shall be completed by the school/team physician, coaches, athletic trainer, school nurse, and any other school employee the lead person deems necessary;
- B. The lead person or his or her designee shall monitor all school employees assigned to complete an Interscholastic Head Injury Training program such as the National Federation of State High Schools Association’s online, “Concussion in Sports” program, which includes:
1. The recognition of the symptoms of head and neck injuries, concussions, and injuries related to second- impact syndrome;
  2. The protocol for a return to competition or practice, which may specify an appropriate amount of time to delay the return to sports competition or practice of a student-athlete who has sustained a concussion or other head injury.
- C. The educational fact sheet shall be distributed annually to the parents or guardians of student-athletes. A signed acknowledgement of the receipt of the fact sheet shall be obtained from the student-athlete and his parent or guardian and retained by the school;
- D. Students who participate in an interscholastic sports program and are suspected of sustaining a concussion or other head injury in competition or practice shall be immediately removed from the sports competition or practice. A student-athlete who is removed from competition or practice shall not participate in further sports activity until he is evaluated by a physician or other licensed health care provider trained in the evaluation and management of concussions, and receives written clearance from a physician trained in the evaluation and management of concussions to return to completion or practice.

**Legal References:**

<u>N.J.S.A.</u> 18A:166, 6.1	Indemnity of officers and employees against civil actions
<u>N.J.S.A.</u> 18A:354.6 <u>et seq.</u>	<u>Parents Right to Conscience Act of 1979</u>
<u>N.J.S.A.</u> 18A:401	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
<u>N.J.S.A.</u> 18A:403	Lectures to teachers
<u>N.J.S.A.</u> 18A:405	Method of examination; notice to parent or guardian
<u>N.J.S.A.</u> 18A:406	In general
<u>N.J.S.A.</u> 18A:407, 8, 10, 11	Exclusion of students who are ill
<u>N.J.S.A.</u> 18A:4023 <u>et seq.</u>	Nursing Services for Nonpublic School Students
<u>N.J.S.A.</u> 18A:40-41.4	Removal of student athlete from competition, practice; return
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development

See particularly: N.J.A.C. 6A:16-1.1, -1.3, -2.1, -2.3, -2.4

N.J.A.C. 6A:26-12.1 et seq. Operation and Maintenance of School

See particularly: Facilities N.J.A.C. 6A:26-12.3

Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5141.21**

**Name: Administering Medication**  
**Board Approval Date: November 22, 2011**

The board shall not be responsible for the diagnosis and treatment of student illness. The administration of medication to a student during school hours will be permitted only when failure to take such medicine would jeopardize the health of the student, or the student would not be able to attend school if the medicine were not made available to him/her during school hours.

For purposes of this policy, "medication" shall include all medicines prescribed by a physician for the particular student, including emergency medication in the event of bee stings, etc., and all non-prescription "over the counter" medication.

Before any medication may be administered to or by any student during school hours, the board shall require the written request of the parent/guardian which shall give permission for such administration and relieve the board and its employees of liability for administration of medication. In addition, the board requires the written order of the prescribing physician which shall include:

- A. The purpose of the medication;
- B. The dosage;
- C. The time at which or the special circumstances under which medication shall be administered;
- D. The length of time for which medication is prescribed;
- E. The possible side effects of the medication.

Both documents shall be kept on file in the office of the school nurse.

The school medical inspector shall develop procedures for the administration of medication which provide that:

- A. All medications, whether prescribed or "over the counter", shall be administered by the medical inspector, school nurse or substitute school nurse, the parent/guardian or the student himself/herself where the parent/guardian so permits and with the school nurse present;
- B. Medications shall be securely stored and kept in the original labeled container;
- C. The school nurse shall maintain a record of the name of the student to whom medication may be administered, the prescribing physician, the dosage and timing of medication and a notation of each instance of administration;
- D. All medications shall be brought to school by the parent/guardian or adult student and shall be picked up at the end of the school year or the end of the period of medication, whichever is earlier;
- E. A student may self-administer medication without supervision of the school nurse for asthma or other life-threatening illnesses. "Life-threatening illness" has been defined as an illness or condition that requires an immediate response to specific symptoms or sequelae that if left untreated may lead to potential loss of life such as, but not limited to, the use of an inhaler to treat an asthma attack or the use of an adrenalin injection to treat a potential anaphylactic reaction.

The school shall have and maintain at least one nebulizer in the office of the school nurse or at a similar accessible location. The lead person shall prepare and the board shall adopt regulations on the administration of asthma medication through the use of a nebulizer by the school nurse or his/her designee(s). Regulations shall be in accord with New Jersey statute and administrative code and shall include, but not be limited to the following:

- A. Requirement that each school nurse shall be authorized to administer asthma medication through use of a nebulizer;
- B. Requirement that each school nurse receive training in airway management and in the use of nebulizers and inhalers consistent with nationally recognized standards;

- C. Requirement that each student authorized to use asthma medication or a nebulizer have an asthma treatment plan prepared by the student's physician that identifies, at a minimum, asthma triggers and an individualized healthcare plan for meeting the medical needs of the student while attending school or a school-sponsored event.

#### **Student Self-Administration of Medication**

The board shall permit self-administration of medication for asthma or other potentially life-threatening illnesses by students who have the capability for self-administration of medication, both on school premises during regular school hours and off-site or after regular school hours when a student is participating in field trips or extracurricular activities. Parents/guardians of the student must meet the following conditions:

- A. Provide the board with written authorization for the student's self-administration of medication;
- B. Provide written certification from the student's physician that the student has asthma or another potentially life-threatening illness and is capable of and has been instructed in the proper method of self-administration of medication;
- C. Sign a statement acknowledging that the school shall incur no liability as a result of any injury arising from the self-administration of medication by the student and that the parents/guardians shall indemnify and hold harmless the school and its employees or agents against any claims arising out of the self-administration of medication by the student.

The board shall:

- A. Inform the student and his/her parents/guardians that permission is effective for the school year for which it is granted and must be renewed for each subsequent school year upon fulfillment of requirements listed above;
- B. Inform parents/guardians in writing that the school and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication.
- C. Maintain the right to revoke a student's permission to self-medicate if he/she has failed to comply with all conditions of this policy and/or has violated in any way the tenets of the agreement to self-medicate. The lead person shall confer with the school physician and school nurse prior to recommending termination of a student's permission to self-medicate and shall also consult with the student, the student's parents/guardians and the student's physician.

#### **Emergency Administration of Epinephrine**

The board shall permit the school nurse or medical inspector to administer epinephrine via epi-pen or other pre-filled auto-injector mechanism in emergency situations. In their absence, a designee or designees who are employees of the board may do so.

The designees must be properly trained by the school nurse in the administration of the epi-pen or other pre-filled auto-injector mechanism using the standardized training protocol designated by the State Department of Education. Each designee shall receive individual training for each student for whom he/she is designated.

The board shall inform the student's parents/guardians in writing that if the specified procedures are followed, the school, its employees and agents shall have no liability as a result of any injury arising from the administration of the epi-pen or other pre-filled auto-injector mechanism to the student.

Parents/guardians shall provide the board with the following:

- A. Written orders from the physician that the student requires the administration of epinephrine for anaphylaxis and does not have the capability for self-administration of the medication;
- B. Written permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism by the school nurse or designee(s);
- C. A signed statement acknowledging their understanding that if the specified procedures are followed, the school shall have no liability as a result of any injury arising from the administration of the epipen or other pre-filled auto-injector mechanism by the school nurse

or designee(s) to the student and that the school, its employees, and agents shall be indemnified and held harmless against any claims arising out of the administration of the epipen or other pre-filled auto-injector mechanism to the student.

Permission for the administration of epinephrine via epi-pen or other pre-filled auto-injector mechanism shall be granted annually and must be renewed each school year upon the fulfillment of the above requirements.

### **Placement and Availability of Epinephrine, and Transportation to Hospital Emergency Room**

Pursuant to P.L. 2007, C. 57, school policy requires:

- A. The placement of a student's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the student's emergency care plan. Backup epinephrine shall also be available at the school if needed;
- B. The school nurse or designee to be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and
- C. The transportation of the student to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the student's symptoms appear to have resolved.

### **Implementation**

The board may adopt additional regulations on all aspects of the administration of medication. When implementing school policy and P.L. 2007, C. 57, staff will consult these NJ Department of Education guidance documents:

- A. Training Protocols for the Emergency Administration of Epinephrine (9/08)
- B. Guidelines for the Management of Life-Threatening Food Allergies in Schools (9/08)

### **Legal References:**

<u>N.J.S.A.</u> 18A:111	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:401	Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
<u>N.J.S.A.</u> 18A:40-3.2 <u>et seq.</u>	Medical and Nursing Personnel
<u>N.J.S.A.</u> 18A:404	Examination for physical defects and screening of hearing of pupils
<u>N.J.S.A.</u> 18A:407	Exclusion of pupils who are ill
<u>N.J.S.A.</u> 18A:40-12.3 through -12.4	Self-administration of medication by pupil; conditions
<u>N.J.S.A.</u> 18A:40-12.5	Policy for emergency administration of epinephrine to public school pupils
<u>N.J.S.A.</u> 18A:40-12.6 through -12.6d	Administration of epinephrine; primary responsibility; parental consent
<u>N.J.S.A.</u> 18A:40-12.7	Nebulizer
<u>N.J.S.A.</u> 18A:40-12.8	Administration of asthma medication by school nurse through nebulizer; training; pupil asthma treatment plan
<u>N.J.S.A.</u> 18A:5420	Powers of board (county vocational schools)
<u>N.J.S.A.</u> 45:1123	Definitions

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
See particularly: N.J.A.C. 6A:16-1.3, -2.1, -2.2, -2.3, -2.4

Bernards Township Education Association v. Bernards Township Board of Education, 1981 S.L.D. (9/29/81), aff'd State Board, 1982 S.L.D. 4/7/82, aff'd App. Div., unpublished opinion (A421181T3, 5/18/83)

Communications Workers of America, Local 1033, On behalf of Karen Norton, Barbara Woolston, Mary Ellen Schoen et al. v. New Jersey State Department of Education, Marie H. Katzenbach School for the Deaf, State Board Docket #5291

Policy Advisory #1 on N.J.S.A. 18A:40-12.3 et seq. Self-Administration of Medication By a Pupil, New Jersey State Department of Education, June 5, 1995

Protocol and Implementation Plan for the Emergency Administration of Epinephrine by a Delegate Trained by the School Nurse, New Jersey State Department of Education, October, 1998

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5142**

**Name: Student Safety**  
**Board Approval Date: November 22, 2011**

The board of trustees recognizes the safety of its students as a consideration of utmost importance. The lead person shall consult law enforcement agencies, health and social service providers, emergency management planners and other school and community resources in the development of the plans, procedures and mechanisms for school safety. The lead person shall oversee development of a school wide safety program with emphasis on accident prevention.

### **Facilities**

The lead person shall maintain all facilities and equipment in proper condition to provide a safe learning environment, ensuring compliance with state law on the handling, labeling and storing of hazardous substances. Safety regarding all aspects of playground equipment and activity will be maintained and supervised in compliance to law and code.

### **Staff Education and Training**

All teachers shall be familiar with the provisions of this program that particularly concern them.

The lead person shall inform all newly employed staff of school safety rules and regulations within 60 days of the effective date of their employment. All school employees will receive the appropriate in-service training to recognize and respond appropriately to safety concerns including emergencies and crises, in accordance with the school safety plans, procedures and mechanisms. The school safety plan will be updated annually and all employees will be notified of updates and changes to the safety plan in writing. Regulations concerning use and maintenance of eye protective devices shall be scrupulously enforced by all staff.

### **Student Supervision**

The staff must maintain complete classroom and playground supervision during regular school hours. The lead person shall seek the cooperation of parents/guardians to prevent any children being unsupervised on school property during lunch hour and during morning arrival and afternoon dismissal times. Further, the lead person shall seek the cooperation of the police and other appropriate agencies in providing for the safety of students on or around school property. The board shall adopt the necessary regulations governing supervision of student safety.

No student shall leave the school before the end of the school day without permission of the Chief School Administrator. No student shall run errands on school business off the school property.

The curriculum shall include courses in safety as required by state law. The lead person shall oversee development and implementation of a vocational education safety program correlated with coursework. In development of courses, the safety of participating students shall be a primary consideration.

Employers of work/study students are required to report to the Chief School Administrator if a student has not reported for work within one hour of the expected arrival time. Other students leaving before regular dismissal must be met in the school office and signed out by a parent/guardian or a person authorized to act in his/her behalf.

A record shall be kept indicating the legal custodian of each student. Such custodian shall be responsible for informing the lead person of any change in the student's custody. If one parent/guardian has been awarded custody of the student in a divorce, the other parent/guardian shall present to the principal or the chief school administrator a letter authorizing him/her to accompany the child from school before the child may be released. The principal or the chief school administrator may take reasonable steps to verify the letter. It is the responsibility of the person or agency having custody to inform the school that such authorization will be required.

### **Supervision of Students During Dismissal**

Dismissal will be supervised. School staff will be assigned to specific locations and given defined responsibilities to supervise students at dismissal. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The lead person is

responsible for overseeing the development of protocols that are tailored to the age and needs of the students at each school facility. At a minimum, these protocols shall include:

- A. Staff assigned to supervise dismissal and their locations and responsibilities;
- B. Where children will be retained awaiting appropriate escort and/or designated transportation;
- C. Provisions for supervision when a parent/escort is unable to pick up their child at the appropriate dismissal time; and
- D. Location and presence of municipal crossing guards.

The board will review dismissal procedures annually.

#### **Supervision of Non-Bused Students at Dismissal**

The board shall require that the parent/guardian notify the school in advance of any arrangements for students requiring appropriate escort or designated transportation. The board requires signed permission for a student to be dismissed to walk home unescorted.

All documented arrangements will be considered permanent for the entire school year. Parents/guardians may alter arrangements upon prior written notification to the lead person or designee.

Parents/guardians leaving students at school that are to be escorted home will be reported to the proper authorities.

The lead person or designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The lead person or designee is responsible for keeping a record of the dismissal arrangements and implementing the appropriate dismissal supervision in accommodation of these arrangements.

#### **Notification of Dismissal Protocols**

The lead person or his designee shall ensure that parents are notified of the following:

- A. School calendar including school closure and early dismissal dates and times; and any adjustments to the calendar;
- B. The school dismissal policy;
- C. Dismissal protocol for all bused students, non-bused students and students in afterschool programs or activities;
- D. Supervision arrangements for students at dismissal;
- E. Emergency plan for supervision of students left at school;
- F. After school program opportunities;
- G. Procedures for enrolling students in afterschool programs.

The parent/guardian is responsible for reviewing the school calendar and complying with all school dismissal times and procedures. It is the parents/guardians responsibility to resume the custody of their child at the end of each school day.

The lead person will develop procedures:

- A. For parents/guardians to provide signed acknowledgement of receipt of the school calendar, including all school closure and early dismissal dates, and the school dismissal policy and procedures;
- B. For parents/guardians to indicate and define the circumstances that the student is to be released from the school's care at dismissal;
- C. For the collection and retention of all documents pertaining to receipt of calendar and escort/transportation arrangements.

### **Voluntary Fingerprinting Program**

The board of trustees shall provide a voluntary fingerprinting program for the protection of its students. This program shall be carried out in cooperation with the Police Department in accordance with the requirements of law.

All students in grades kindergarten through nine shall be eligible to participate with written authorization of their parent/guardian. Completed fingerprint cards shall be given to the parent/guardian and shall not be retained by the school or the Police Department.

The lead person is directed to provide an orientation program for those students for whom fingerprinting has been authorized, and to develop appropriate administrative regulations for the implementation of the voluntary fingerprinting program in the school.

### **Potentially Missing Children**

Attendance practices, the dismissal precautions addressed in this policy and voluntary fingerprinting are part of the school's effort toward early identification of potentially missing children.

The lead person will develop procedures that ensure cooperation with law enforcement for substances, weapons and safety. This may include cooperation with law enforcement in the activation of an "Amber Alert" which provides for the rapid dissemination of information, including a description of the missing child through broadcast media.

### **Release to an Individual Impaired by Drugs/Alcohol Prohibited**

The board believes that allowing a child to be released into the custody of a parent/guardian or other authorized individual who appears to be impaired by drugs or alcohol can have tragic consequences. Therefore, the board prohibits release of a student into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the student if released to such a person. The lead person/designee shall make the final determination as to whether an individual is impaired.

### **Possessions**

Parents/guardians are requested not to permit their children to bring expensive or fragile objects to school and to label or otherwise identify clothing, books and personal items. The board is not responsible for items destroyed or stolen from lockers.

### **Megan's Law**

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The lead person and principal or chief school administrator in affected schools shall receive notification from the county prosecutor's office or local law enforcement officials when Tier Two or Tier Three sex offenders move into the Irvington School District. Principal or the chief school administrator shall inform those employees/ volunteers whose duties regularly put them in a position to observe unauthorized persons on or near the property of the school. Principal or the chief school administrator shall determine who to notify on the basis of this definition, as well as on specific job duties carried out in their school. If private vendors perform any of these functions, the lead person shall inform the vendor. Notification may include, but is not limited to:

- A. Aides;
- B. Bus drivers;
- C. Coaches;
- D. Maintenance staff;
- E. Professional support staff;
- F. School level administrative staff;
- G. Security personnel;

H. Teachers' aides;

I. Teachers.

School personnel are notified only in their capacity as such and shall not disseminate information about an offender to anyone not specifically identified by the county prosecutor or Attorney General. Any school employee who does so may be disciplined. If a school employee has reason to believe that an offender who has been the subject of a notification is a danger to someone outside the school environs, he/she shall immediately contact the Police Department or the county prosecutor.

School personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO, PTA, HSA, etc.;
- B. Organizations using school facilities;
- C. Press.

The principal or the chief school administrator shall provide registration forms to any organization that uses the school facilities, including parent-teacher organizations, which wish to be notified by the county prosecutor's office of the presence of a Tier Two or Tier Three offender in the community.

In addition to the school personnel identified by the principal or the chief school administrator, students and parents/guardians shall be notified of the presence of Tier Three offenders. The prosecutor's office and local law enforcement shall supply the school with notices for them when a school is located in the area where a vulnerable population is likely to encounter a Tier Three offender. Dissemination of these notices shall be in accord with law and accomplished in cooperation with the county prosecutor's office. Confidentiality shall be a prime consideration in all communications with students and parents/guardians, and all directives of the county prosecutor and Attorney General's offices shall be observed.

When a student has been identified as a sex offender, all procedures of notification shall apply. When a parent/guardian has been identified as an offender, he/she may continue to participate in all appropriate parent/guardian activities, unless prohibited by legal constraint.

Newly hired staff and newly enrolled students and their parents/guardians shall be trained and informed of the presence of Tier Two and Tier Three offenders, unless the county prosecutor has notified the principal or the chief school administrator that notice cannot be given.

Students and school employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The lead person shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

#### **School Violence Awareness Week and Annual Public Hearing**

The school shall observe "School Violence Awareness Week". This week will include discussions, presentations, and training for both students and staff, focused on the topic of preventing violence in school. Law enforcement personnel will be invited to join school teaching staff presenting age appropriate opportunities for students to discuss issues including but not limited to conflict resolution, student diversity and tolerance.

The board of trustees shall hold a public hearing on violence and vandalism pursuant to N.J.S.A. 18A:17-46 and N.J.A.C. 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

#### **Legal References:**

<u>N.J.S.A.</u> 2C:7-2 <u>et seq.</u>	Registration and Notification of Release of Certain Offenders
<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
<u>N.J.S.A.</u> 18A:62	Instruction in accident and fire prevention

<a href="#">N.J.S.A. 18A:162</a>	Physical examinations; requirement
<a href="#">N.J.S.A. 18A:1742, 43 and -45 through -48</a>	Public School Safety Law
<a href="#">N.J.S.A. 18A:2021</a>	Supervisors and other employees
<a href="#">N.J.S.A. 18A:355</a>	Maintenance of physical training courses; features
<a href="#">N.J.S.A. 18A:35-5.1 through -5.3</a>	Lyme disease prevention; public school health curriculum
<a href="#">N.J.S.A. 18A:3624 through 25</a>	Missing children; legislative findings and declarations...
<a href="#">N.J.S.A. 18A:3629 et seq.</a>	Voluntary fingerprinting
<a href="#">N.J.S.A. 18A:4012.1, 12.2</a>	Protective eye devices required for teachers, pupils and visitors in certain cases
<a href="#">N.J.S.A. 18A:41-1 et seq.</a>	Fire drills and fire protection
<a href="#">N.J.S.A. 30:5B-26 through -29</a>	Child care before and after school hours
<a href="#">N.J.S.A. 34:5A1 et seq.</a>	<a href="#">Worker and Community Right to Know Act</a>
<a href="#">N.J.S.A. 39:4183.1</a>	Traffic control devices
<a href="#">N.J.S.A. 52:27D-123.9 et seq.</a>	Definitions relative to playground safety
<a href="#">N.J.A.C. 5:23-11 to 11.4</a>	Playground Safety Sub code
<a href="#">N.J.A.C. 6A:8-5.1</a>	Graduation requirements
<a href="#">N.J.A.C. 6A:16-1.1 et seq.</a> See particularly: <a href="#">N.J.A.C. 6A:16-2.1, -5.1, -5.2, -5.5, -5.6, -5.7, -6.1, -6.2, -6.4, -6.5</a>	Programs to Support Student Development
<a href="#">N.J.A.C. 6A:19-6.1 et seq.</a> See particularly: <a href="#">N.J.A.C. 6A:19-6.5</a>	Safety and Health Standards
<a href="#">N.J.A.C. 6A:26-12.1 et seq.</a> See particularly: <a href="#">N.J.A.C. 6A:26-12.2, -12.5</a>	Operation and Maintenance of Facilities
<a href="#">N.J.A.C. 6A:27-11.1 et seq.</a>	Safety

**The Burch Charter School of Excellence Policy**

**Category: Students**  
**Code: 5142.1**

**Name: Safety Patrols**  
**Board Approval Date: November 22, 2011**

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The board believes that student safety patrols can contribute greatly to the development of good traffic habits and can provide opportunities for growth in leadership skills.

Therefore, the lead person shall develop regulations for the formation of safety patrols.

These regulations shall include, but not be limited to, provision for:

- A. Appointment of a faculty advisor to select, instruct and discipline members of the safety patrol;
- B. Informing candidates and their parents/guardians of the purpose and activities of the patrol and the possible hazards;
- C. Obtaining signed, written consent from the parent/guardian for the student's involvement in the safety patrol;
- D. An outline of duties suitable to each school building;
- E. Cooperation with the police.

**Legal References:**

<u>N.J.S.A.</u> 18A:421	Safety patrol by pupils
<u>N.J.A.C.</u> 6A:26-12.2(a)(3)	Policies and procedures

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5145.4**

**Name: Equal Educational Opportunity**  
**Board Approval Date: November 22, 2011**

The school shall provide equal and bias-free access for all students to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the school, socioeconomic status, or disability. Enforcement of other school affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with students at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each student as an individual and to accord each student the rights and respect that are his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each student's potential in regard to his/her program, consistent with school goals and with optimal opportunities for students. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all students;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of students;
- D. Treating all students with consistent fairness.

The board of trustees guarantees all students equal access to all academic programs within the learning environment.

Students shall respect the rights of other students to receive an education in an environment that is conducive to learning and personal growth. No student shall have the right to abridge another student's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

### **Service Animals**

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school facilities where members of the community, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

### **Harassment**

The school's affirmative action program is part of each academic program regarding all students. No one, including students, staff members, vendors, volunteers, or visitors shall commit an act of harassment/ discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

Harassment is defined as any gesture that is reasonably perceived as being motivated by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic; that will have the effect (actual or perceived) of harming a student or damaging the student's property. Harassment also includes any gesture that demeans or insults a student or group of students in such a way to cause substantial disruption in or interference with the orderly operation of the school.

Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Any member of the student body may file a formal grievance related to harassment. The Affirmative Action Officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the student making the complaint and the alleged harasser. Filing of a

grievance or otherwise reporting harassment of any kind will not reflect upon the student's status nor affect future grades or class assignments.

The administration will inform all students that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the school or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a student's refusal to submit to sexual advances will adversely affect the student standing in the school setting. Students are forbidden to harass other students or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action.

### **Equity in School**

The board of trustees 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, religion, disability or socioeconomic status. The board shall ensure that:

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the school's overall minority representation;
- C. The school curriculum will be aligned with the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap;
- D. All students have access to counseling services;
- E. Physical education program is equitable and co-educational.

Procedures shall be made available for students and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or lead person. Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

### **Hate Crimes/Bias Incidents**

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal, chief school administrator and lead person. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

### **Implementation**

The lead person shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The lead person shall ensure that, annually, all staff and all students (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and students shall be informed annually of the identity of the school's affirmative action officer and how he/she may be contacted.

The lead person shall also ensure that staff and students participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

The lead person shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

### **Legal References:**

<u>N.J.S.A.</u> 2C:16-1	Bias Intimidation
<u>N.J.S.A.</u> 2C:33-4	Harassment

N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:3620 Discrimination; prohibition

N.J.S.A. 18A:3714 Electronic communication, harassment, intimidation or bullying defined

N.J.S.A. 18A:385.1 No child to be excluded from school because of race, etc.

N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
See particularly: N.J.A.C. 6A:7-1.4,-1.7

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N.J.A.C. 6A:16-6.3(e) Reporting students or staff members to law enforcement authorities

N.J.A.C. 6A:17-1.1 et seq. Education of Homeless Children and Students in State Facilities

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

State v. Mortimer, 135 N.J. 517 (1994)

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

20 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) Part B

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

28 C.F.R. 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services (covers service animals)

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

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

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

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. Lexis 184. The New Jersey

Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

Comprehensive Equity Plan, New Jersey State Department of Education

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5145.11**

**Name: Questioning and Apprehension**  
**Board Approval Date: November 22, 2011**

In order to protect students' rights during the time they are under school control, the principal or the chief school administrator shall interview every person who wishes to question a student on school property during the school day. The lead person shall be informed of such incidents.

### **Law Enforcement Officers**

- A. If a law enforcement officer has an arrest warrant, the principal or the chief school administrator shall ensure that all procedural safeguards as prescribed by law are observed. No student shall be taken from the school without the knowledge of the principal, chief school administrator or other person in charge of the school.  
The principal or the chief school administrator shall make every reasonable effort to notify parents/guardians. The lead person shall be informed whenever such apprehensions take place.
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal or the chief school administrator shall request that the questioning be delayed if possible until the parents/ guardians can be present. If the officer refuses and the principal or the chief school administrator is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning.
- C. If the law enforcement officer is an agent of the Division of Youth and Family Services (DYFS), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

### **Private Persons**

If a private person wishes to question a student on school property during the school day, generally parents/guardians shall be notified of the request and give their permission before the principal or the chief school administrator will permit the private person to question the student. In cases involving possible harm to another student which might be prevented by early information, the principal or the chief school administrator may permit such questioning if the parent/guardian cannot be reached. The principal or the chief school administrator shall be present during the questioning.

### **Weapons and Substance Abuse Questioning by Staff**

When questioning any student about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the board in compliance with administrative code.

### **Generally**

The lead person shall notify the board president when the police have sought to question a student in school, and the outcome of the incident. The school shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/guardians are informed and student rights protected.

### **Legal References:**

## The Burch Charter School of Excellence Policy

**Category: Students**  
**Code: 5145.12**

**Name: Search and Seizure**  
**Board Approval Date: November 22, 2011**

School lockers remain the property of the school even when used by students. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Students and their parents/guardians shall be informed of this policy when lockers are assigned.

A student's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the student. Before instituting such a search, except in cases of emergency, the principal or the chief school administrator shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any students under any circumstances.

### **Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons**

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. 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, and consequently, locker searches and vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted by the courts in T.L.O. and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See policies 5131.6 and 5131.7.

### **Legal References:**

<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:36-19.2	Student lockers or other storage facility: inspection; notice to students
<u>N.J.S.A.</u> 18A:37-6.1	Strip and body cavity searches prohibited
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:16-6.1 <u>et seq.</u>	Law Enforcement Operations for Substances, Weapons and Safety

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).

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, 176 N.J. 568 (2003)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. 822 (2002)

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

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

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**

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#### **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 21<sup>st</sup> 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 21<sup>st</sup> 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> <u>See particularly:</u> <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> <u>See particularly:</u> <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