2415.06 UNEFABLE SCHOOL CHOICE OPTION

The New Jersey Department of Education (NJDOE) is required to establish an Unsafe School Choice Option (USCO) Policy per the Elementary and Secondary Act (ESEA) of 1965, as reauthorized under the Federal Every Student Succeeds Act of 2015 (ESSA). The USCO Policy requires that students who attend a persistently dangerous public elementary or secondary school as determined by the NJDOE, or become victims of a violent criminal offense while in or on school grounds of a public school that they attend, be allowed to attend a safe public school within the district. The Unsafe School Choice Option (USCO) USCO provision under the ESSA of The No Child Left Behind Act of 2001 (NCLB)-§9532 contains two provisions that apply to school districts that receive funds under ESSA NCLB: Provision I - Persistently Dangerous Schools and Provision II - Victims of Violent Criminal Offenses.

Effective the beginning of each school year, school districts receiving NCLB ESSA funds must be prepared to complete the transfer of students who choose to exercise Provision I and Provision II of NCLB and this Unsafe School Choice Option USCO Policy. Compliance with the Policy is a condition of receiving funds under any and all titles under ESSA NCLB. The Superintendent is required to certify compliance with this USCO Policy to the New Jersey Department of Education (NJDOE) in the application for ESSA NCLB funds.

USCO Policy Provision I - Persistently Dangerous Schools (PDS)


A persistently dangerous school is a public elementary or secondary school building (except for Regional Day Schools, Educational Services Commissions and Special Services School Districts) that meets the objective criteria determined by the New Jersey Department of Education (NJDOE) for three consecutive years and is part of a school district that receives funds under ESSA NCLB. The NJDOE will use the most current available data from the Electronic Violence and Vandalism Reporting System (EVVRS) to identify persistently-dangerous-schools PDS on or before July 31 of each year, in compliance with Federal regulations (68 FR 16789).
2. Procedures and Guidelines for Schools Determined to be Persistently Dangerous.

A school district will be notified by the NJDOE on or before July 31 of each year if a school(s) in the school district has been identified as a PDS. Once the district receives notification a school is identified as persistently dangerous, the district must inform all parents of enrolled students in the school of the designation within fifteen calendar days of the date of the notice and offer them the option for their children to transfer to a safe public school within the district by the beginning of the respective school year. The district must complete all transfers by the beginning of the school year following the July notification.

Students are not required to accept the transfer option, but they must be afforded the opportunity to do so. Parental notice regarding the status of the school and the offer to transfer students should be made simultaneously. Parents of enrolled students must be notified of the persistently dangerous designation whether or not there is another school within the district for the transferring students.

To the extent possible, the district will allow transferring students to transfer to schools that have not been identified as low performing, under the State’s ESSA accountability system are making adequate yearly progress in accordance with NCLB and have not been identified as being in need of school improvement, corrective action or restructuring. When a transfer school is not available within the school district, the district may seek arrangements for students to transfer to the nearest charter school or neighboring district; however, this is not required. The district may will take into account the needs and preferences of the affected students and parents.

If a school in the district is identified by the NJDOE as persistently dangerous, the district will submit to the NJDOE, on or before August 25, documentation of compliance with the parent notification requirement and actions taken to complete the transfer arrangements for all students exercising the option by the first day of the school year. Additionally, the district is required to will also develop and submit for approval a corrective action plan to the NJDOE on or before September 30 of the same year, which will apply to the respective school year. The corrective action plan, which must be completed in the format provided by the NJDOE, will describe how the school will reduce the number of incidents of violence as determined by the EVVRS. The NJDOE will provide the schools with guidance for their corrective action plans, as well as monitor the school district’s timely completion of the approved plans.

In the spring of each following year, the NJDOE will re-evaluate the status of a school identified as persistently dangerous. The NJDOE will review the school’s progress towards completing their corrective action plan and compare the current year’s incidents of violence, as reported on the EVVRS, to the criteria for determining persistently dangerous schools (PDS). A school identified as maintaining the persistently dangerous designation will be notified by the NJDOE on or before July 31 of the respective year and will be required to submit for approval a revised corrective action plan by September 30 of that year, which will apply to the respective school year. The school district must inform all parents of enrolled students in the school of the designation within fifteen calendar days of the date of notice and offer them the option for their children to transfer to a safe public school by the beginning of the respective school year in accordance with 2. above.

A school no longer designated persistently dangerous will be notified on or before July 31 of the respective year. The persistently dangerous designation will be removed after one or more years contingent upon successful fulfillment of the criteria for removal, as determined by evidence of the school’s progress toward successfully completing the approved corrective action.
plan, and evidence of incidents that no longer meet the criteria for determining PDS, described above, for one school year, the year in which the corrective action plan was in effect and in accordance with guidance provided by the NJDOE.

4. Procedures and Guidelines for Early Warning of Schools.

When a school meets the criteria set forth in this Policy for one year, the district will be informed of the types of offenses reported that have led to an early notification. This notification, on or before August 15 of each year, will be informational only. A school that no longer meets the criteria for PDS for one year will no longer be considered in early notification status. A school that meets the criteria for two consecutive years will move into early warning status outlined below.

Effective in 2004, if a school meets the criteria set forth in this Policy for two consecutive years, the district will be notified of their pattern of offenses on or before August 15 of each year. If notified, the district will develop and submit to the NJDOE for approval a school safety plan to the NJDOE a corrective action plan on or before September 30 of the same year, which will apply to the respective school year. The school safety corrective action plan, which must be completed in the format provided by the NJDOE, will describe how the school will reduce the number of incidents of violence as determined by the EVVRS. The NJDOE will provide the an early warning school with guidance for its their school safety corrective action plan, as well as monitor the school’s timely completion of the approved plan. This school shall become a top priority for intensified district support for research-based programs and technical assistance. A school receiving an “early warning” notice is not required to provide the transfer option to students.

In the spring of each following year, the NJDOE will reevaluate the school’s progress towards completing its their corrective action school safety plan and compare the current year’s incidents of violence, as reported on the EVVRS, to the criteria for determining
PDS persistently dangerous schools. The schools will be notified of their status on or before July 31 of the respective year.

A school that has successfully completed their Corrective Action Plan and reported violent incidents that no longer meets the criteria for Determining PDS Persistently-Dangerous Schools for one school year, (the year in which the school safety corrective action plan was in effect), will no longer be required to submit a school safety Corrective Action Plan.

A school that meets the criteria for PDS does not successfully complete their Corrective Action Plan and that meets the criteria set forth in this Policy for a third consecutive year will be designated as persistently dangerous and will be required to submit for approval a revised Corrective Action Plan on or before September 30 of that year, which will apply to the respective school year. The district will also provide the transfer option to students in the school designated as persistently dangerous.

5. Schools Not Receiving ESSA NCLB Funds, but Meeting the Criteria for PDS.

School buildings and districts that do receive Federal funds under ESSA NCLB, but meet any one of the criteria for PDS persistently dangerous schools, will be contacted by the NJDOE and be required to develop and submit for approval a school safety Corrective Action Plan on or before September 30 of the respective year. The school safety Corrective Action Plan must be completed in the format provided by the NJDOE and describe how the school will reduce the number of incidents of violence as determined by the EVVRS. The NJDOE will provide the school with guidance for their school safety Corrective Action Plan, as well as monitor the school’s timely completion of the approved plan.

USCO Policy Provision II – Victims of Violent Criminal Offenses

The Unsafe School Choice Option Victim of Violent Criminal Offenses provision under ESSA NCLB ESSA requires a student who becomes a victim of
a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary or secondary school that the student attends, be allowed to attend a safe public elementary or secondary school within the district, including a public charter school.

The individual victim provision of this Policy attempts to fulfill the requirement for the school district to provide relief to students who have been victimized, while providing a school with a practical means for making determinations on incidents of victimization that are within the purview of the school district. The individual victim section of this Policy has been crafted to enable school staff to make reasonable determinations and actions regarding this Policy. The Superintendent will consult with the Board attorney and communicate with designated local and/or county law enforcement authorities, per the provisions of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials and N.J.A.C. 6A:16-6.2(b)123, on questions and issues that arise in the implementation of the individual victims of violent criminal offenses section of this Policy.

1. Criteria for Determining Victims of Violent Criminal Offenses

   The following criteria must be used to determine when an enrolled student has become a victim of a violent criminal offense while in or on the grounds of a public elementary or secondary school that the student attends. These criteria only apply to a student who has become a victim of one or more of the violent criminal offenses enumerated below:

   A student is considered a victim of a violent criminal offense when:

   a. A referral has been made to law enforcement officials for suspicion that one of the violent criminal offenses enumerated below has occurred; and

   b. One or more of the following applies:

      (1) Law enforcement officials have filed formal charges against the offender(s) perpetrator(s) for commission of the violent crime; or
2. Procedures and Guidelines

Effective the first day of each school year beginning in 2003, the district must be prepared to begin the transfer of any student who chooses to exercise the individual unsafe school choice option provision. The district must offer, within fourteen ten calendar days of the incident, an opportunity to transfer to a safe public school within the district to any student who has become a victim of a violent criminal offense while in or on the grounds of a public school that the student attends. While the student must be offered the opportunity to transfer, the student may elect to remain at the school.

To the extent possible, the district will allow any transferring student to transfer to a school that has not been identified as low performing, is making adequate yearly progress in accordance with NCLB under the State's ESSA accountability system and has not been identified as being in need of school improvement, corrective action or restructuring. In addition, when a transfer school is not available within the district, the district may seek arrangements for a student to transfer to the nearest charter school or neighboring district; however, this is not required. The district may will take into account the needs and preferences
of the affected student and his or her parent(s). Transfers must occur within thirty days of the determination that the student was a victim of a violent criminal offense.

3. Violent Criminal Offenses

The violent criminal offenses under New Jersey statutes that apply to the individual victim provision of this Policy are identified and explained below. The offenses apply to completed offenses, as well as threats and attempts to commit the offenses. The offenses and attempts to commit the offenses apply only when they occur in or on the school grounds, as defined in N.J.A.C. 6A:16-1.3, of the a school that the student attends. The offenses apply whether they occur wholly or in part in or on the grounds of a the school that the student attends. The offenses apply only to acts or attempts that are directed at a person (victim) or a group of specified individuals (victims), rather than acts that indiscriminately affect the entire school population or non-specified individuals or groups. For the purposes of this Unsafe School Choice Option Policy, the term “victim” shall not include a student who purposely, knowingly or recklessly provokes the conduct constituting the criminal incident against him or her.

4. Applicable Violent Criminal Offenses

Below is a description of each applicable violent criminal offense that is based upon New Jersey statutes and references to statutory citations that provide complete explanations of each designated offense. The descriptions provided below are not intended to be a complete explanation of each offense or a substitute for the actual provisions of the authorizing statutes. Instead, the descriptions are provided as an aid in facilitating understanding of the general intent and practical applications of the violent criminal offenses that pertain to this Unsafe School Choice Option Policy.

a. Homicide [N.J.S.A. 2C:11-2] - A student person is a victim of a homicide when he or she is the child, sibling or other relative of a decedent, resulting from someone purposely, knowingly or recklessly causing the death of the
student's parent, sibling, or relative in or on school grounds.

b. Assault [N.J.S.A. 2C:12-1(A)(a)(1-3) and
2C:12-1(Bb)(1-4)] - A person is a victim of an assault when the actor: purposely, knowingly, or recklessly causes bodily injury to the victim [N.J.S.A. 2C:12-1(a)(1)]; negligently, recklessly, knowingly, or purposely causes bodily injury to the victim with a deadly weapon [N.J.S.A. 2C:12-1(a)(2), N.J.S.A. 2C:12-1(b)(2) and N.J.S.A. 2C:12-1(b)(3)]; attempts by physical menace to put the victim in fear of imminent serious bodily injury [N.J.S.A. 2C:12-1(a)(3)]; or knowingly points a firearm at or in the direction of the victim, whether or not the actor believes it to be loaded. [N.J.S.A. 2C:12-1(d)(4)].

c. Aggravated Sexual Assault [N.J.S.A. 2C:14-2] - A student person is a victim of a sexual assault when the student is a victim of an act of sexual contact when the victim is less than thirteen years old and the actor is at least four years older than the victim, or the student is a victim of aggravated sexual assault when the actor commits an act of sexual penetration with the victim under any of the following circumstances:

(1) The victim is less than thirteen years old.

(2) The victim is at least thirteen, but less than sixteen years old; and the actor is at least four years older than the victim.

(3) The victim is at least sixteen years old, but less than eighteen years old; and the actor has supervisory or disciplinary power over the victim.

(4) The actor uses physical force or coercion.
POLICY GUIDE

(5) The victim is one whom the actor knew or should have known was physically helpless, mentally defective, or mentally incapacitated.

(a) At least thirteen, but less than sixteen years old; and

(i) The actor is related to the victim by blood or affinity to the third degree; or

(ii) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status; or

(iii) The actor is a foster parent, a legal guardian or stands in loco parentis within the household.

(3) The act is committed on the victim during the commission, or attempted commission, whether alone or with one or more persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape.

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object on the victim.

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion on the victim.

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim.
(7) The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.

5. Sexual Assault—A person is a victim of a sexual assault when:

a. The actor commits an act of sexual contact with a victim who is less than thirteen years old and the actor is at least four years older than the victim; or

b. The actor commits an act of sexual penetration with a victim under any of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury.

(2) The victim is at least sixteen but less than eighteen years old.

(3) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim.

(4) The victim is at least thirteen but less than sixteen years old and the actor is at least four years older than the victim.

d6. Bias Intimidation [N.J.S.A. 2C:16-1(4a)] - A person is a victim of the crime of bias intimidation when an actor commits, attempts to commit, conspires with another to commit or threatens the immediate commission of an offense specified in Chapters 11 through 18 of Title 2C of the New Jersey Statutes; N.J.S.A. 2C:33-4; N.J.S.A. 2C:39-3; N.J.S.A. 2C:39-4 or N.J.S.A. 2C:39-5 in the following circumstances:

(1)a: With a purpose to intimidate a victim or a group of specified victims because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or

(2)b: Knowing that the conduct constituting the offense would cause a victim or a group of specified victims
to be intimidated because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or

(3)e. Under circumstances that caused any victim of the underlying offense to be intimidated and the victim, considering the manner in which the offense was committed, reasonably believed either that:

(a1) The offense was committed with a purpose to intimidate the victim or any person or entity in whose welfare the victim is interested because of race, color, religion, gender, handicap, sexual orientation, or ethnicity; or

(b2) The victim or the victim’s property was selected to be the target of the offense because of race, color, religion, gender, handicap, sexual orientation, or ethnicity.

e7. Terroristic Threat [N.J.S.A. 2C:12-3(Aa) and 2C:12-3(Bb)] - A person is a victim of a terroristic threat when the actor threatens to commit one of the violent criminal offenses enumerated under this the USCO Policy Provision II against the victim with the purpose to put the student in imminent fear of one of the violent crimes enumerated in this the USCO Policy Provision II under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out. The definition of terroristic threat applies to N.J.S.A. 2C:12-3(a) insofar as the threat was directed at a person (victim) or a group of specified individuals (victims).

f8. Robbery [N.J.S.A. 2C:15-1] - A person is a victim of a robbery when the actor, in the course of committing a theft, inflicts bodily injury; or uses force upon the victim; or threatens the victim with or purposely puts the victim in fear of immediate bodily injury.
g9. Kidnapping [N.J.S.A. 2C:13-1] - A person is a victim of a kidnapping when the actor unlawfully removes the victim from the school or school grounds; or the actor unlawfully confines the victim with the purpose of holding the victim for ransom or reward as a shield or hostage; or the actor unlawfully removes the victim from the school or school grounds or a substantial distance from where he or she is found in school or on school grounds; or if the actor unlawfully confines a student for a substantial period of time with any of the following purposes: to facilitate commission of a crime or flight thereafter, or to inflict bodily injury on or terrorize the victim.

h40. Arson [N.J.S.A. 2C:17-1] - A person is a victim of arson when the actor purposely or knowingly starts a fire or causes an explosion in or on the grounds of a school whereby purposely or knowingly the victim or group of specified victims are in danger of death or bodily injury; or with the purpose of destroying or damaging the victim’s or group of specified victim’s property that is in the school or on school grounds.

Miscellaneous Provisions of USCO

1. Transfer Time Period – PDS Persistently-Dangerous Schools

The transfer will be temporary and will be in effect as long as the student’s original school is identified as persistently dangerous.

The transfer may be in effect longer and the district will consider the educational needs of the student, as well as other factors affecting the student’s ability to succeed if returned to the transferring school. (i.e. The school district may allow a student to complete his or her education through the highest grade level at the receiving school if the student would otherwise be required to return to their original school.)

2. Charter School Transfer Option
POLICY GUIDE

PROGRAM
2415.06/page 14 of 16
Unsafe School Choice Option
Feb 17
M

While ESSA NCLB permits affected students to be afforded the opportunity to attend a public charter school, in addition to a safe public elementary school or secondary school within the school district, the application of this provision in New Jersey is limited. Transfers to a charter school can only occur as a part of the charter school’s “equal opportunity” selection process and among charter schools administered under the same managing authority (i.e., charter schools within the charter school district).

Since charter schools in New Jersey are considered public local education agencies (LEA’s), pursuant to N.J.S.A. 18A:36A-3, operated independently of a local board of education, transfers may only take place among charter schools within the LEA. Therefore, students may be permitted to transfer to another charter school that is administered under the same managing authority of the charter school, but are not permitted to transfer to a school in the local public school district administered by a local board of education.

However, pursuant to N.J.S.A. 18A:36A-7, a charter school must be open to all students on a space available basis and may not discriminate in its admission policies or practices (although it may establish reasonable criteria to evaluate prospective students), and in accordance with N.J.S.A. 18A:36A-8, if there are more applications to enroll in the charter school than there are spaces available, the charter school must select students to attend using a random selection process for enrollment.

3. Funding Sources for USCO

The USCO Unsafe School Choice Option statute law does not authorize resources specifically to help cover USCO costs associated with transferring a student from a PDS. However, under certain circumstances Federal funds may be used. For example, ESEA Title IV, Part A [Section 4115(b)(2)(E)(v)] may be used to establish safe zones of passage to and from school to ensure that students travel safely on their way to school and on their way home [Section 4115(b)(2)(E)(v)]. In addition, SDFSCA ESEA Title IV, Part A [Sections 5121(8) and 5131(12) and (25)]
funds may be used to help cover costs such as tuition or transportation related to the USCO Unsafe School Choice Option or expansion of public school choice [Section 5121(8) and 5131(12 and (25)].

4. Special Education Students

The district will provide transferred special education students with the program required by the student’s Individualized Education Program (IEP).

5. Transfer Schools

In the event there is not another school within the school district for a transferring student, the district is not required to transfer the student to a school outside the school district.

6. The district may offer students the transfer option if they do not meet the criteria for determining victims of violent criminal offenses under the USCO Policy Provision II as one response for providing relief to students whose victimization has affected their safety and ability to learn.

Under the Federal regulations (68 FR 16789), this Policy only applies to offenses that occur in the 2003—2004 school year and thereafter. Beginning with the 2004—2005 school year, the district must provide the transfer option to victims of violent criminal offenses that occurred in the previous school year, if the determination that the student was a victim was made thirty days or fewer before the end of the school year.

The district will use the school choice option as one response to incidents of victimization. Additionally, the district will develop and implement appropriate strategies for addressing the circumstances that contribute to or support victimization, as well as consistently and proactively manage individuals who have victimized students. The district will promote the importance of school safety and respond to the needs of students and staff. Pursuant to the law, the district will provide an opportunity for students, parents and school district and law enforcement personnel to discuss methods for keeping schools safe from violence; to create school safety plans; and to recognize students in need of help.
The district will organize activities to prevent school violence, including, but not limited to, age-appropriate opportunities for student discussion on conflict resolution, issues of student diversity and tolerance. Law enforcement personnel will be invited to join members of the teaching staff in the discussions. Programs shall also be provided for school district employees that are designated to help school district employees recognize warning signs of school violence and to instruct school district employees on recommended conduct during an incident of school violence.

In accordance with the provisions of N.J.S.A. 18A:17-46, two times each school year, between September 1 and January 1 and between January 1 and June 30, at a public hearing, the Superintendent shall report to the Board of Education all acts of violence; vandalism; and harassment, intimidation, and bullying which occurred during the previous reporting period. requires a public hearing in the third week in October of each year for the Superintendent to report to the Board all acts of violence and vandalism that occurred in the district during the previous school year. The public hearing shall be transcribed and kept on file in the Board of Education Office. The transcript shall be made available to the public upon request. The Board must also file the transcript with the NJDOE for review.

Title VIII, Part F, Subpart 2, SEC. 8532
Every Student Succeeds Act (ESSA) of 2015

No Child Left Behind Act of 2001-§9532

(First Reading August 29, 2017)

(Revised Alert 211)

Adopted:
POLICY GUIDE

STUDENTS
5116/page 1 of 3
Education of Homeless Children
Feb 17

[See POLICY ALERT Nos. 160, 210 and 211]

5116 EDUCATION OF HOMELESS CHILDREN

The Board of Education will admit and enroll homeless children in accordance with Federal and State laws and New Jersey Administrative Code. The Board of Education adopts this Policy to be in compliance with law and administrative code to ensure the enrollment of homeless children in school and to respond to appeals made by parents or other parties related to the enrollment of homeless children.

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

The school district of residence for a homeless child is responsible for the education of the child and shall assume all responsibilities as required in N.J.A.C. 6A:17-2.3. The school district of residence for a homeless child means the school district in which the parent of a homeless child resided prior to becoming homeless.

The school district liaison designated by the Superintendent of Schools for the education of homeless children is the Assistant Superintendent. The liaison will facilitate communication and cooperation between the school district of residence and the school district where the homeless child resides and shall assume all responsibilities as outlined in N.J.A.C. 6A:17-2.4(a).
When a homeless child resides in a school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager. Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.5(b).

The Superintendent of the school district of residence or designee shall decide in which school district the homeless child shall be enrolled in accordance with the provisions of N.J.A.C. 6A:17-2.5.

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

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

When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent of Schools, who shall immediately make a determination, if possible, but no later than within forty-eight hours.

If the dispute regarding determination of district of residence does not involve the determination of homelessness and/or district enrollment, the school district disputing the Executive County Superintendent’s determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f) and
request a determination from the Division of Administration and Finance. If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

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

Financial responsibility, including the payment of tuition for the homeless child, will be in accordance with N.J.A.C. 6A:17-2.8. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d.

At that time, the school district of residence shall no longer list the student on its ASSA. The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. under the circumstances outlined in N.J.A.C. 6A:17-2.8(c).

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

(First Reading August 29, 2017)

(Review Alert 211)

Adopted:
[See POLICY ALERT Nos. 160, 210 and 211]

R 5116 EDUCATION OF HOMELESS CHILDREN

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

1. “School district liaison for the education of homeless children” means the person identified in the school district that facilitates all activities needed to ensure the enrollment and attendance of homeless children.

2. “School district of residence” for a homeless child means the school district in which the parent of a homeless child resided prior to becoming homeless. It may not be the school district in which the student currently resides. This is synonymous with the term “school district of origin” referenced in the McKinney-Vento Homeless Education Assistance Act. “School district of residence” for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.b.


4. “Immediate” or “immediately” means at the instant the need for placement is made known.

5. “Parent” means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, or person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.

6. “Superintendent” means Superintendent and/or Chief School Administrator.

B. Determination of Homelessness (N.J.A.C. 6A:17-2.2)
1. The Board of Education shall determine that a child is homeless for the purposes of N.J.A.C. 6A:17-2 when he or she resides in any of the following:

   a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;

   b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;

   c. The residence of relatives or friends where the homeless child resides out of necessity because his or her family lacks a regular or permanent residence of its own; or

   d. Substandard housing; or.

   e. Any temporary location wherein children and youth are awaiting foster care placement.

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

1. The school district of residence for a homeless child is responsible for the education of the child and shall:

   a. Determine the school district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.5;

   b. Pay the cost of tuition pursuant to N.J.S.A. 18A:38-19, when the child attends school in another school district; and

   c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.
2. The determination of the homeless child’s school district of residence shall be made by the Superintendent of the school district of residence or designee pursuant to N.J.A.C. 6A:17-2.4 based upon information received from the parent, the Department of Human Services or the Department of Children and Families, a shelter provider, another school district, an involved agency, or a case manager.

3. The district Board of Education identified in accordance with N.J.S.A. 18A:7B-12 as the school district of residence for a homeless child shall be the school district of residence until the parent establishes a permanent residence. Financial responsibility will remain with the homeless child’s school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.

D. Designation of School District Liaisons and Their Responsibilities (N.J.A.C. 6A:17-2.4)

1. The Superintendent identifies the Assistant Superintendent as the district liaison for the education of homeless children. The school district liaison shall:

   a. Facilitate communication and cooperation between the school district of residence and the school district where the homeless child resides;

   b. Develop procedures to ensure a homeless child residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5;

   c. Ensure homeless families, children, and youth receive educational services for which they are eligible, including Head Start and Even Start programs, preschool programs administered by the local education agency, and referrals to health care, dental, mental health, and other appropriate services;
d. Inform parents of homeless children and youth of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children;

e. Ensure that public notice of the educational rights of homeless children and youth is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;

f. Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7;

g. Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5;

h. Assist the parent to obtain the homeless child or youth's medical records or required immunizations; and

i. Assist an unaccompanied youth to ensure he or she is enrolled and is receiving all services pursuant to N.J.A.C. 6A:17.

2. When a homeless child resides in a school district, the district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager.

3. Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.5(b).
E. School District Enrollment (N.J.A.C. 6A:17-2.5)

1. The Superintendent of the school district of residence or designee shall decide in which district the homeless child shall be enrolled as follows:

   a. Enroll the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child’s parent;
   
   b. Continue the homeless child’s education in the school district of last attendance if it is not the school district of residence; or
   
   c. Enroll the homeless child in the school district where the child resides.

2. The Superintendent of the school district of residence or designee shall decide the school district of enrollment of a homeless child based on what is determined to be in the best interest of the child after considering:

   a. The enrollment of the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child’s parent.
   
   b. The continuity of the child’s educational program;
   
   c. The eligibility of the child for special instructional programs, including but not limited to bilingual, gifted and talented, special education, early childhood, and career and technical education programs; and
   
   d. The distance, travel time, and safety factors in coordinating transportation services from the residence to the school.

3. The Superintendent of the school district of residence or designee shall determine the child’s school district enrollment immediately
after consultation with the parent. The school district of residence shall adhere to the following procedures:

a. Enrollment decisions shall be made immediately upon notification of the need for enrollment. When the decision is made, the child will be enrolled immediately. If a dispute arises regarding enrollment of a homeless child, the homeless child shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7.

b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall be documented in writing.

c. A decision to enroll a homeless child in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.

4. When a decision is made to enroll the child in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall forward to the new school district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32, School District Operations.

5. When a homeless child with a disability is enrolled in a school district other than the school district of residence, the school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education.

6. When the school district of residence for a homeless child cannot be determined, the Superintendent or designee of the school district in which the child currently resides shall enroll the child immediately in the school district of the current residence or the school district of last attendance.

7. The school district selected pursuant to N.J.A.C. 6A:17-2 shall immediately enroll the homeless child or youth, even if the child or
youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.

8. Enrollment in the school district of residence, the school district of last attendance if not the school district of residence, or the school district where the child resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child becomes permanently housed during the academic year.

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

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

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

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

2. When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive
County Superintendent of Schools, who shall make a determination immediately, if possible, but no later than within forty-eight hours.

a. If the dispute regarding determination of district of residence does not involve the determination of homelessness and/or district enrollment, the school district disputing the Executive County Superintendent’s determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of Administration and Finance.

b. If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

3. Any dispute or appeal shall not delay the homeless child’s immediate enrollment or continued enrollment in the school district. The homeless child shall be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal.

4. Disputes and appeals involving the services provided to a homeless child with a disability shall be made pursuant to N.J.A.C. 6A:14.

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

1. When the homeless child is enrolled in a school district other than the school district of residence, the school district of residence shall pay to the school district of enrollment the tuition costs pursuant to N.J.S.A. 18A:38-19 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer pay tuition to the school district of enrollment.

2. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A.
18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer list the student on its ASSA.

3. The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d, under the following circumstances:

a. If the school district of residence cannot be determined for the homeless child;

b. If the school district of residence is outside of the State; or

c. If a child resides in a Department of Community Affairs-licensed emergency shelter or transitional living facility due to domestic violence for more than a year combined for the duration of the placement pursuant to N.J.S.A. 18A:7B-12.d.

(1) When the State assumes fiscal responsibility for the tuition of a homeless child, the State shall pay to the school district in which the child is enrolled the weighted base per pupil amount calculated pursuant to N.J.S.A. 18A:7F-49, and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56.

(First Reading August 29, 2017)

(Revised Alert 211)

Issued:
REGULATION GUIDE

PUPILS
R 5200/Page 1 of 12
Attendance
Feb 15
M

[See POLICY MEMO. No. 17]
[See POLICY ALERT Nos. 95, 96, 139, 176, 203 and 205]

R 5200  ATTENDANCE

A. Definitions

1. For the purposes of school attendance, a “day in session” shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers’ institutes, and inclement weather shall not be considered as days in session.

2. A “school day” shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day of Kindergarten.

3. “A day of attendance” shall be one in which the student is present for a full day under the guidance and direction of a teacher while school is in session.
   a. Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.

4. A “half-day class” shall be considered the equivalent of a full day’s attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.

B. Attendance Recording

1. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to
these rules and the specific instructions issued by the Commissioner of Education.

2. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.

3. A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.

4. A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.

5. The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.

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

7. A student not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.
C. Unexcused Absences That Count Toward Truancy/Excused Absences

1. "An unexcused absence that counts toward truancy" is a student’s absence from school for a full or a portion of a day for any reason that is not an “excused absence” as defined below.

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

   The student’s illness supported by a written letter from the parent upon student’s return to school;

   The student’s required attendance in court;

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

   The student’s suspension from school;

   Family illness or death supported by a written letter from the parent upon the student’s return to school;

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

   Take Our Children to Work Day;

   An absence considered excused by a New Jersey Department of Education rule;

   Educational opportunity:

3. "Truancy" means ten or more cumulative unexcused absences that count toward truancy of a student between
the ages of six and sixteen as determined by the Board’s Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any absence not listed in C.23. above shall be an unexcused absence counted toward truancy.

D. Notice to School of a Student’s Absence

1. The parent is requested to call the school office before the start of the student’s school day.

2. The parent of the student who will attend the morning session, but will not attend the afternoon session should call or provide notice to the school office before the start of the afternoon session.

3. The parent who anticipates a future absence or anticipates that an absence will be prolonged should notify the school office to arrange make-up work.

E. Readmission to School After an Absence

1. A student returning from an absence of any length of time must provide a written statement that is dated and signed by the parent or adult student listing the reason for the absence.

2. A note explaining a student’s absence for a non-communicable illness for a period of more than three three or more consecutive school days must be accompanied by a physician’s statement of the student’s illness with medical clearance to return to school.

3. A student who has been absent by reason of having or being suspected of having a communicable disease must present to the school nurse written evidence of being free of communicable disease, in accordance with Policy 8451.
F. Instruction

1. Teachers shall cooperate in the preparation of home assignments for students who anticipate an excused absence of three consecutive school days duration. The parent or student must request such home assignments.

2. A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.

3. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.

4. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up missed work.

5. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.

G. Denial of Course Credit

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

3. An elementary student may be retained at grade level, in accordance with Policy 5410, when he/she has been absent fifteen or more school days, whatever the reason for the absence, except that absences for the observance of a religious holiday and absences due to student’s suspension will not count toward the total.
Exceptions to this rule may be made for students who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.

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

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

2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:
   a. Make a reasonable attempt to notify the student’s parent of each unexcused absence prior to the start of the following school day;
b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student’s parent;

c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and H.1.c. above;

d. Develop an action plan to establish outcomes based upon the student’s patterns of unexcused absences and to specify the interventions for supporting the student’s return to school and regular attendance, which may include any or all of the following:

(1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;

(2) Conduct testing, assessments, or evaluations of the student’s academic, behavioral, and health needs;

(3) Consider an alternate educational placement;

(4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;

(5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;

(6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potential missing or abused child situation is detected; and

(7) Engage the student’s family.

e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
3. For ten or more cumulative unexcused absences that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:

a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;

b. Continue to consult with the parent and the involved agencies to support the student’s return to school and regular attendance;

c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and

d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.

4. A court referral may be made as follows:

a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court.

(1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or

b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part.
REGULATION GUIDE

5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student’s IEP, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§ 794 and 705(20); and individualized health care plan and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii.

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

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

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

I. Discipline

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

3. No student who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

J. Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students’ attendance at out-of-school curricular events such as field trips.

2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy and Regulation 5200.

3. A report card will record the number of times the student was absent and tardy in each marking period.

4. A student’s absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

K. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.

2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.

3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.

b. The Principal or designee will respond in writing no later than seven school days after receiving the student’s appeal.

c. If the student is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.

d. On a student’s request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student’s appeal. The student’s parent and teacher(s) may attend the meeting.

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

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

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

(First Reading August 29, 2017)

(Revised ND)

Adopted:
POLICY GUIDE

[See POLICY ALERT No. 212]

7424 BED BUGS

The Board of Education is concerned for students who may have bed bugs in their home with the potential for these students to bring bed bugs into the school building. Bed bugs can be transmitted from one location to another in backpacks, clothing, books, and other items. A bed bug infestation is unlikely in a school and the Board adopts this Policy as a proactive action to prevent infestation and to stop bed bugs from spreading within the school setting if a bed bug is transmitted into a school.

Bed bugs are parasitic insects that feed exclusively on blood and are mainly active at night, but are not exclusively nocturnal. A common bed bug prefers human blood and typically feeds on their hosts without being noticed. Bed bugs are not known to transmit disease, but cause reasonable distress and health concerns for many people. The presence of bed bugs in a home does not mean the home is unclean, bed bugs can be found in any home.

Bed bugs typically do not infest people as they hide during the day and come out during the night. Bed bugs are attracted to humans primarily by carbon dioxide, warmth, and by some chemicals. Bed bugs prefer exposed skin, preferably the face, neck, and arms of a sleeping person. Bed bug bites may lead to a range of skin manifestations from no visible effects to prominent blisters. The bite usually produces a swelling with no red spots, but when many bugs feed on a small area, reddish spots may appear after the swelling subsides. Effects also may include skin rashes, psychological effects, and allergic symptoms.

Any staff member who observes what may be bed bug bites on a student shall send the student to the school nurse. The school nurse shall examine the student to determine if there are any bed bugs present on the student or if the bites may be bed bug bites. The school nurse will inform the Principal and contact the student’s parent on the results of the examination.

In the event the school nurse observes what appears to be a bed bug on the student or on the student’s possessions, the school nurse will inform the Principal who will arrange for a licensed pest management professional to complete an inspection of the student’s classroom(s) to determine if bed bugs are present in the classroom area. If a licensed pest management professional cannot complete an inspection within twenty-four hours of the request from the school district, the
district custodial staff will vacuum the student’s classroom(s) with a vacuum cleaner using a new vacuum cleaner bag and when finished the staff member shall seal the bag and discard it in a receptacle outside the school building. If the vacuum does not have a bag, the contents of the vacuum shall be emptied into a secure plastic bag, sealed, and discarded into a receptacle outside the school building. The Principal shall determine if the classroom(s) should be occupied by staff and students until the inspection by a licensed pest management professional is conducted.

In the event the inspection determines bed bugs are in the school, the area(s) where bed bugs have been found or could be found will be treated by a licensed pest management professional.

The parent of any student who is found to have a live bed bug on them will be contacted by the school nurse and the parent will be required to pick-up their child to arrange for the child to return home to change clothes and to inspect any items the student brings to school. Upon the student’s return to school, the student will be required to report to the school nurse who will examine the child and the child’s possessions. If there are no signs of bed bugs on the student or in or on the student’s possessions, the student will be able to resume their school day. The school nurse may determine to examine the child subsequent to their initial return to school to ensure the student and possessions are free of bed bugs. In the event the nurse finds live bed bugs on the student or in or on the student’s possessions upon the student’s initial return to school, or upon any subsequent examination by the school nurse, the school nurse will contact the parent and require the parent to pick-up the student from school.

The Principal, in consultation with the school nurse, will determine if the parents of other students should be informed of the presence of bed bugs in an area of the school where their child may have been or is during the school day. This determination will be made on a case-by-case basis. Parents of other students may not be informed if bed bugs are found on a student or in or on the student’s possessions, and are not found in the school building. The school district will comply with all notification requirements and other requirements of the New Jersey Pest Management Act, the district’s Pest Management Plan, and any other applicable law.

Any student suspected of having bed bugs in their home or on or in their possessions will be treated with discretion, dignity, and respect. The district will offer the student counseling, if needed. The Principal or designee will work
sensitively with parents of any student living in an infested home to develop strategies for preventing the further spread of bed bugs.

(First Reading August 29, 2017)

(New Alert 212)

Adopted:
[See POLICY ALERT No. 212]

R 7424 BED BUGS

The following procedures are established in implementation of Policy 7424 – Bed Bugs.

A. Observation of Possible Bed Bug Bites or Bed Bugs on a Student

1. A staff member who observes what he/she believes may be bed bug bites on a student or bed bugs on the student or in or on the student’s possessions shall send the student to the school nurse.

2. The school nurse shall examine the student to determine if the student has bed bug bites or if there are any bed bugs present on the student or in or on the student’s possessions.

3. If the school nurse determines the student does not have bed bug bites or bed bugs on them or in or on their possessions, the student will be returned to resume their school day.

B. Confirmation of Bed Bug Bites or Bed Bugs on a Student

1. If the school nurse believes the student has bed bug bites or finds bed bugs on the student or in or on the student’s possessions, the school nurse will contact the Principal or designee.

2. The Principal or designee will arrange for a licensed pest management professional to complete an inspection of the student’s classroom(s) to determine if bed bugs are present.

3. If a licensed pest management professional cannot complete an inspection within twenty-four hours of the request from the school district, the district custodial staff will vacuum the student’s classroom(s) with a vacuum cleaner using a new vacuum cleaner bag.

4. When vacuuming is completed by district custodial staff, the staff member shall seal the bag and discard it in a receptacle outside the school building. If the vacuum does not have a bag, the contents of the vacuum shall be emptied into a secure plastic bag, sealed,
and discarded into a receptacle outside the school building. The vacuum will also be treated.

5. The Principal shall determine if the classroom(s) should be occupied by staff and students until the inspection by a licensed pest management professional is conducted.

C. Inspection by Licensed Pest Management Professional

1. If an inspection by the licensed pest management professional determines bed bugs are not present in the classroom(s) inspected, the school program shall resume use of the classroom(s) if the Principal previously decided the classroom(s) should not be occupied by staff or students.

2. If an inspection by the licensed pest management professional determines bed bugs are in the classroom(s), the area(s) will be treated by a licensed pest management professional. Any treatment shall be in accordance with the provisions of the New Jersey Pest Management Act, the district’s Pest Management Plan, and any other applicable law.

D. Communication with Student’s Parent

1. The school nurse will contact the student’s parent on the results of the examination.

2. A parent of a student who is believed to have a live bed bug(s) on them or in or on their possessions will be required to arrange for their child to be picked-up from school to return home to change clothes and for the parent to inspect any possessions the student brings to school. The nurse may provide the parent with information regarding bed bugs.

a. Upon the student’s return to school after being sent home to change clothes and an inspection of their possessions they bring to school, the student will be required to report to the school nurse who will examine the child and the child’s possessions before the child can resume the school day.

(1) If there are no signs of bed bugs on the student or in or on the student’s possessions upon being
b. The school nurse may examine the student and the student’s possessions subsequent to their initial return to school to ensure the student and possessions are free of bed bugs.

(1) In the event the nurse finds live bed bugs on the student or in or on the student’s possession after the student’s initial return to school or upon any subsequent examination by the school nurse, the school nurse will contact the parent and require the parent to pick-up the student from school.

3. A parent of a student who is believed to have bed bug bites, but no evidence of bed bugs on them or in or on their possessions, will be informed of such results and the student may be required to be examined by the school nurse subsequent to the initial examination to ensure bed bugs are not on the student or in or on their possessions they bring to school.

E. School Communications

1. The Principal, in consultation with the school nurse, will determine if the parents of other students should be informed if bed bugs are found in an area of the school. This determination will be made on a case-by-case basis.

a. Parents of other students need not be informed if bed bugs are found on a student or in or on the student’s possessions, and are not found in the school building.
F. Compliance with Applicable Laws

1. The Principal or designee will ensure the school district complies with all notification requirements and any other legal requirements, including the New Jersey Pest Management Act, the district’s Pest Management Plan, and any other applicable law.

(First Reading August 29, 2017)

(New Alert 212)

Issued: