

Brick Township Board of Education District Policy Manual 2

Students

Series 5000

Early Dismissal

Policy 5110.5

Date Adopted: November 28, 2007

Date Revised:

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Date Reviewed:

The Principal may excuse for cause the early dismissal of a pupil upon the prior written request of the pupil's parent(s) or guardian(s).

No pupil under the age of 18 will be permitted to leave the school before the end of the school day except in the presence of the pupil's parent(s) or legal guardian(s), or an agent of the parent(s) or legal guardian(s) who has written authorization, or in the custody of agents of the state acting in their legal capacity.

The Principal shall maintain a record of the parent(s) or legal guardian(s) of each pupil. If one parent has been assigned custody of the pupil by court order or separation agreement and wishes to limit the noncustodial parent's access to the pupil, the parent in custody must inform the Principal of any such limitation and may request that his/her authorization be required before the noncustodial parent is granted access. In the absence of such notice, the Principal will presume that a pupil may be released into the care of either parent.

Any student excused for medical disability may neither walk nor drive him/herself from school unless so permitted by the Principal. A pupil who suffers an incapacitating medical disability will be released from school only in the presence of an adult.

Legal References

- NJSA 18A:11-1 General mandatory powers and duties
18A:36-24 through -26 Missing children; legislative findings and declarations ...
18A:38-31 Violations of article by parents or guardians; penalties
18A:38-32 District and county vocational school attendance officers
52:17B-9.8a through -9.8c Marking of missing child's school record
- NJAC 6A:8-5.1 Graduation requirements
6A:16-1 et seq. Programs to support student development.
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-8.1 et seq. Student Attendance and Accounting
6A:32-8.3 Student attendance

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Admission

Policy 5111 [M]

Date Adopted: July 19, 2012

Date Revised:

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Date Reviewed:

Eligibility

The Board of Education shall admit to its schools free of charge the following persons over 3 and under 20 years of age:

- A. Any student domiciled within the district;
- B. 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 if family or economic hardship has been documented;
- C. 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;
- D. Any student whose parent/guardian temporarily resides within the district, notwithstanding the existence of a domicile elsewhere;
- E. Any student whose parent/guardian moves to another district as the result of being homeless, subject to the provisions of administrative code;
- F. Any student placed in the home of a district resident by court order pursuant to statute;
- G. 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,
- H. Any student residing on federal property within the state pursuant to statute.

Proof of Eligibility

The Board shall accept any combination of the forms of documentation that are listed in the New Jersey Administrative Code (NJAC 6A:22-3.4) when they are presented by persons attempting to demonstrate a student's eligibility for enrollment in the district, and as deemed appropriate, valid, and acceptable by the Superintendent of Schools, including:

- Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
- Voter registrations; licenses; permits; financial account information; utility bills, delivery receipts; and other evidence of personal attachment to a particular location;
- Court orders; State agency agreements; and other evidence of court or agency placements or directives;
- Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location or to support the student;

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- Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
- Affidavits, certifications, and sworn attestations pertaining to statutory criteria for school attendance from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others, as appropriate;
- Documents pertaining to military status and assignment; and
- Any other business record or document issued by a governmental entity.

The Board of Education may accept forms of documentation not listed above and shall not exclude from consideration any documentation or information presented by an applicant.

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 a legitimate basis for determining eligibility to attend school, including, but not limited to:

- Income tax returns;
- Documentation or information relating to citizenship or immigration/visa status, except as set forth in NJAC 6A:22-3.3(b);
- Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
- Social Security numbers.

Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.

Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to NJAC 6A:22-4.2.

When a student appears to be ineligible based on information provided in the initial application, the district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and an intent to appeal to the Commissioner of Education. An applicant whose student is enrolled pursuant to this paragraph shall be notified that the student will be removed without a hearing before the Board of Education if no appeal is filed within the 21-day period established by NJSA 18A:38-1.

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Minimum Immunization Requirements

All children enrolling in the district shall provide proof of the required vaccinations and immunizations as established by the laws of the State of New Jersey for students entering public schools.

Preschool Disabled

A child is eligible for entrance into a program of special education who has attained his/her third birthday and has been found by the Child Study Team to be eligible for a program for the preschool disabled in accordance with rules of the State Board of Education.

Kindergarten

A child is eligible for entrance into Kindergarten who will have attained the age of five years on or before October 1st of the year in which entrance is sought.

First Grade

A child is eligible for entrance into first grade who will have attained the age of six years on or before October 1st of the year in which entrance is sought, and/or has completed the Kindergarten program of this district or an equivalent program elsewhere, and has been recommended by the teacher for advancement to the first grade.

Children who turn six after October 1st will be registered for the Kindergarten program except those children who demonstrate by producing proper transfer cards that they have successfully completed a ten-month public school Kindergarten program elsewhere approved by the State Department of Education.

Transfers into Grades Two through 12

Pupils 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.

Within the time prescribed by law, the Superintendent of Schools shall request in writing from the school or district of previous attendance, the pupil'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(ren), 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.

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Affidavit Pupils

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

Nonresidents

The district is obliged to educate children of appropriate age residing in the district. The mere ownership of any property whatsoever does not qualify a parent/guardian to send children to school in this school district. See policy 5118 Nonresidents.

Students Returning from County Detention

The district shall accept all days of attendance and courses studied by a student at a county juvenile detention center and apply them toward district requirements for elementary, middle or high school graduation. Students must be re-enrolled by their parent(s)/guardian(s) at the central registration office once they are released from the juvenile detention center.

Homeless Pupils

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

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Legal References

- NJSA 18A:7B-12 District of residence; determination
18A:7B-12.1 Homeless child; responsibility for education; determination of placement; payment of costs
18A:7C High School Graduation Standards
18A:36-19a Newly enrolled students; records and identification
18A:36-25.1 Proof of child's identity required for enrollment; transfer of record between districts
18A:38-1 Attendance at school free of charge
18A:38-2 Free attendance at school by nonresidents placed in district under court order
18A:38-3 Attendance at school by nonresidents
18A:38-4 Free attendance to persons over age
18A:38-5 Admission of pupils under age
18A:38-5.1 No child to be excluded from school because of race, etc.
18A:38-6 Time of admission of pupils; first school year
18A:38-7.7 Legislative findings and declarations
18A:38-8 Duty to receive pupils from other districts
18A:38-25 Attendance required of children between six and 16; exceptions
18A:40-20 Immunization at public expense
18A:44-1 Establishment of nursery schools or departments; eligibility for admission
18A:44-2 Establishment of kindergarten; eligibility for admission
26:1A-9.1 Exemption of pupils from mandatory immunization
26:4-6 Prohibiting attendance of teachers or pupils
- NJAC 6A:10A-2.1 et seq. Preschool program general provision
6A:12-3.1 Choice district application procedures
6A:14-1.1 et seq. Special Education
6A:16-2.2 Required health services
6A:16-2.4 Required student health records
6A:17-1.1 et seq. Students at Risk of Not Receiving a Public Education
6A:22-1.1 et seq. Entitlement to Attend School Based on Domicile or
6A:23A-19.2 et seq. Method of determining the district of residence
6A:23A-19.3 Address submission for determining the district of residence
6A:32-8.2 School enrollment
8:57 Communicable diseases
8:61-1.1 Attendance at school by pupils or adults infected by Human Immuno-Deficiency Virus (HIV)
P.L. 2005, c. 265 concerning students returning to public schools from county detention
Tepper v. Board of Education of the Township Hackensack, Bergen County, 1971 S.L.D. 549
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.
Plyler v. Doe, 457 U.S. 202 (1982)
Warren Board of Education v. Cooperman, 105 NJ 587 (1987)
J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div.1999)
"Pupil Residency": Who is Eligible for a Free Public Education," by Donna Kaye, Esq. In N.J. School Leader (July-August 2002).

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Assignment Within the District

Policy 5111.6

Date Adopted: June 17, 2004

Date Revised:

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Date Reviewed:

The Board of Education directs the assignment of pupils to the schools, programs, and classes of this district consistent with the best interests of pupils and the best uses of the resources of this district.

The Board shall determine the school attendance areas of the district; pupils who reside in an attendance area are expected to attend the designated school, including children of employees. Whenever possible, the Superintendent will avoid placing a teacher's relatives in his or her classroom. The Superintendent shall periodically review existing attendance areas and recommend to the Board such changes as may be justified by considerations of safe pupil transportation and travel, convenience of access to the schools, financial and administrative efficiency, the effectiveness of the instructional program, and a wholesome and educationally sound balance of pupil populations.

The Superintendent may assign a pupil to a school other than that designated by the attendance area when such an exception is justified by circumstances and is in the best interests of the pupil. Every effort will be made to continue a pupil in the same elementary school.

The Superintendent shall assign an incoming transfer pupil to the school, grade, and class that will afford the pupil the most appropriate educational opportunity. The Building Principal may assign pupils in each school to grades, classes, and groups on the basis of the needs of the pupil as well as the sound administration of the school.

Regular Pupils

- A. The Board shall determine the school attendance areas of the district and shall expect the pupils within district to attend the school so designated;
- B. The Superintendent of Schools shall review existing attendance areas and recommend to the Board such changes as may be justified by considerations of safe transportation and travel, convenience of access to schools, financial and administrative efficiency;
- C. The Superintendent of Schools shall assign incoming transfer pupils to their proper schools;
- D. The building principal shall assign pupils assigned to the pupil's school to appropriate grades, classes or groups as may afford each pupil the greatest likelihood of realizing his/her fullest educational potential, based on the pupil's needs as well as the administration of the school;

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- E. The Superintendent of Schools may assign a pupil to a school other than that designated by the pupil's attendance area when such exception:
- is in the best interest of the pupil;
 - will prevent or eliminate over crowded classes;
 - balances class size; or
 - enables a pupil to participate in a particular program.

Disabled Pupils

The Superintendent shall assign pupils classified as disabled to appropriate programs with the district in accordance with the recommendations of the child study team and pursuant to 18A:Chapter 46, NJAC 6:Chapter 28.

Students who complete their sophomore year at one of the high schools may continue at that particular high school should they move out of the attendance area for that high school. Parents will be expected to provide transportation for affected students.

Permission will be granted to students to complete their education in Brick Township if the family moves out of the district during the senior year. Parents will be expected to provide transportation for affected students.

Effective September 2004, students who live east of Route 70 and north of the Metedeconk River shall attend Brick Memorial High School, and students who live south of the Metedeconk and east of Route 70 shall attend Brick Township High School.

An exception will be made to this regulation in cases of a student(s) having an older sibling who is attending that high in the same year. Parents will be expected to provide transportation for affected students.

Parents may appeal an attendance issue to the Superintendent of Schools. Parents may appeal the Superintendent's decision in writing to the Board of Education.

Non-Resident Teaching Staff Request

The Superintendent will assign out-of-district employees' children (certified staff members) who attend tuition-free to the appropriate school, based on age, grade level, class size and availability of space. Children of staff members must provide before/after school care. This assignment will be reviewed annually.

Attendance Area Waivers

Students are assigned to the various schools within this district as determined by their attendance area. In accordance with this policy, exceptions may be made to area assignments if it is in the best interest of the student. Petitions for student placement "outside" of the designated school "attendance area" must be submitted in writing to the Superintendent/designee of the "home" school and other appropriate administrator.

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The appropriate administrator will review all requests. Approval of all area waivers is based upon the following criteria:

- ***Medical needs (physician's assessment and documentation)***
- ***Legal mandates (court order, parental custody)***
- ***Child Study recommendations***
- ***Emergencies affecting health or safety (homelessness, New Jersey Division of Child Protection & Permanency (DCP&P) intervention)***
- ***Personal/Family/Child Care concerns (unusual circumstances)***

The appropriate documentation must be submitted with each written request for a waiver.

Waivers are approved for one year only. School assignments will be determined based upon the availability of space and requested accommodations at an alternate district school.

Waivers must be annually reviewed for a continuance of approval.

Parents will receive a written letter of approval or denial of waiver requests within 30 days of the request. Building Principals will be notified of all decisions and the accommodations needed for requests that have been approved.

Legal References

- NJSA 18A:36-19a Record requests for newly enrolled students
- 18A:44-1 Establishment of nursery schools; eligibility for admission
- 18A:44-1 Establishment of kindergarten; eligibility for admission

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Suspension & Expulsion / Pupil Due Process

Policy 5114 [M]

Date Adopted: April 18, 1983	Date Revised:	Page 1 of 6
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While the Board believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize pupils for violations of school regulations to ensure the good order of the school and to teach pupils the consequences of disruptive behavior.

Pupils who indulge in disruptive behavior may be suspended or expelled. Disruptive behavior includes, but is not limited to:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a pupil;
- C. Actions that constitute a continuing danger to the physical well-being of other pupils;
- D. Physical assault upon another pupil, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another pupil whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other pupils to truancy;
- J. Truancy and class cutting; leaving school property without permission;
- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other pupils or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property.

Any pupil who commits an “assault” (as defined by NJSA 2C:12-1) with or without a weapon upon a Board Member, teacher, administrator, another student or other employee of the Board of Education 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 pupil's suspension.

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Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property 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 Principal may modify this suspension on a case-by-case basis. Each pupil 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 pupil is removed from the regular education program and shall be closed to the public.

The Principal shall be responsible for the removal of such students and shall immediately report them to the Superintendent of Schools. The Principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The Principal 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.

In-school Supervised Study

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

General

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

Except when special considerations warrant (at the discretion of the administration), every pupil 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.

Pupils 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 this district without the permission of the Principal. Any pupil under suspension who enters the school buildings or grounds without the permission of the Principal may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the Board of Education, acting upon the recommendation of the administration.

Serious violations of school regulations which create a dangerous or unsafe condition for other pupils shall cause a pupil to be suspended upon the first offense.

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Making Up Missed Work

Pupils 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 Principal will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

- A. Informing the pupil of the charges against him/her;
- B. Giving the pupil a chance to reply to them.

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

Every effort shall be made to adjust each suspension promptly so that the pupil can be returned to school with a minimum loss of school time and school work.

When the Principal imposes a suspension, he/she must report it to the Superintendent of Schools. No suspension for reasons other than 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 pupil may be reinstated by the Principal before Board action.

Each pupil 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 pupil or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Pupils 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 pupil who has requested a

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formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the Principal, the presence of the pupil in school poses such a danger to himself/herself or others as to warrant continued absence.

Each such pupil suspended from the schools of this district shall receive individual instruction commencing not later than five working days after the suspension occurs, except that the Board may, on the recommendation of the Superintendent of Schools, assign the pupil to an alternate educational program to meet his/her particular needs (see policy #6172).

Procedures

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

Expulsion

The Board will consider expulsion only if:

- A. The Superintendent of Schools 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.

The parents/guardians of the pupil shall be interviewed, if possible, and advised of the reasons why expulsion is being considered, of the rights of the pupil to a full hearing which will afford him/her procedural due process, and the right of parents/guardians to appeal to the Superintendent of Schools.

The child shall remain out of school until either:

- A. An appeal made to the Superintendent of Schools is decided in the child's favor; or
- B. The appeal (if made) has been denied and the Board has met to hear the Superintendent of Schools' 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 pupil 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;

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- 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.

If a pupil younger than 18 years of age is expelled, the Board shall continue to supply an educational program for him/her.

Implementation

The Superintendent of Schools shall develop detailed 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.

Procedural Safeguards for Pupils with Disabilities

Procedural safeguards as they apply to suspensions and expulsions for pupils with disabilities will be followed in accordance with state special education regulations 6A:14-2.8 and federal special education code 20 U.S.C. Section 1415.

When an alternative educational program is provided for a pupil identified as disruptive but not having an educational disability, the Superintendent of Schools shall inform the Board.

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Legal References

- NJSA 2C:12-1 Definition of assault
18A:11-1 General mandatory powers and duties
18A:37-1 et seq. Discipline of pupils
18A:40A-1 et seq. Substance abuse
- NJAC 6A:14-2.8 Discipline/suspension/expulsions
6A:16-1.1 et seq. Programs to Support Student Development
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
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 Board of Education, 114 N.J. Super. 287 (App. Div.) aff'd 59 NJ 506 (1971)
R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)
H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336
82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District
Honig v. Doe, 484 U.S. 305 (1988)
Somerset County Educational Services Commission v. North Warren Board of Education
1999 S.L.D. September 7
State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)
See also Commissioners' Decisions indexed under "Pupils-Punishment of" in Index to N.J. School Law Decisions
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

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Smoking & Tobacco Products/Paraphernalia

Policy 5114.13 [M]

Date Adopted: October 29, 2011

Date Revised:

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Date Reviewed:

The Brick Township Board of Education recognizes that the use of tobacco is highly addictive, is seen as a gateway to drug use, presents a serious health hazard for the user, and in the case of smoking, also presents a serious health hazard for those around the user; further, a habit of tobacco use developed by the young may have lifelong deleterious consequences.

Thus the Board prohibits the use on school grounds, as outlined in Policy No. 3515 the District's Tobacco-Free School Policy.

The Board further acknowledges that prevention and intervention, rather than punishment, are the most effective ways to address potential violations of its Tobacco-Free School Policy.

Prevention Education

The Board directs the Administration to:

- Ensure that the health curriculum includes instruction in the health hazards of tobacco use.
- Consult with the appropriate health organizations to identify and provide programs that offer opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use on the maintenance of a safe, orderly, clean, and inviting school environment.
- Ensure that all school staff, by example and persuasion, make every reasonable effort to discourage pupils from using tobacco products.
- Develop notification procedures to inform students, faculty/staff, parents/guardians, and visitors of this policy.
- Consult with the county health department and other appropriate health organizations (e.g. American Lung Association, American Cancer Society) to provide students and employees with information and access to support systems, programs and services (e.g. NJDHSS Quitline, Quitnet, or Quitcenters) to encourage them to abstain from the use of tobacco products.

Violations

Students who violate the District's Tobacco-Free School Policy shall be referred to the district student assistance counselor (SAC), guidance counselor, school nurse, or for other health and/or counseling services for health information, counseling, and referral to a cessation program, as appropriate to the offense and situation.

Parents/guardians will be notified immediately of all violations and actions to be taken by the District with regard to their student's tobacco use.

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Through the regulations associated with this policy, the Administration shall develop and implement an Alternative-to-Suspension (ATS) program for students who violate the District's Tobacco-Free School Policy. The ATS Program will provide students with up-to-date information on the many harmful consequences of tobacco use, offer students techniques they can use to stop tobacco use, and provide referrals to local youth tobacco-cessation programs, as appropriate to the student's situation. As part of the ATS Program, the regulations may use community service as a consequence for tobacco violations.

A student who violates the District's Tobacco-Free School Policy has the choice to participate in the ATS Program or serving a suspension. If a student violates the policy a third time, suspension is the only consequence. Such pupils may also be subject to appropriate disciplinary measures and fines in accordance with law.

Definitions

For the purposes of this policy:

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, or electronic smoking device or similar product or device or 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 or similar products.

"Smoking" means the burning of, inhaling the smoke from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, any other matter or substance which contains tobacco, or any other matter than can be smoked.

"School Grounds" means and includes land, portions of land, structures, buildings, and vehicles owned, operated, or used for the provision of academic or extracurricular programs sponsored by the District or community provider, and structures that support these buildings, including, but not limited to, administrative buildings, kitchens, maintenance shops, and garages.

"School Grounds" also includes other facilities as defined in NAC 6A:26-1.2, including playgrounds and other recreational places owned by location municipalities, private entities or other individuals during those time when the school district has exclusive use of a portion of such land.

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Smoking & Tobacco Products / Paraphernalia

Policy 5114.13

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Regulations

Upon determining that a student has smoked on school grounds, the principal shall observe the following:

Grades 9-12

- First Offense - After school detention at the principal's discretion.
- Second Offense - Five school days in the GASP Program.
- Third Offense - Ten school days in the GASP Program.
- Fourth Offense - Ten school days out of school suspension.
- Fifth Offense - Administrative hearing with student and parents or Guardians held by the Superintendent or designee.
- Sixth Offense - Board of Education hearing.

Grades K-8

Smoking by students shall be dealt with by the principals in accordance with the No Smoking Policy.

Legal References

NJSA 2C:33-13 Smoking in public
30:5B-5.3 Smoking – child care centers

NJAC 6A:16-3.1(a)7 Tobacco abuse

PL 103-227, Goals 2000: Educate America Act (Pro Children Act of 1994)

PL 2001, Chapter 226

No Child Left Behind Act of 2001, Pub. L. 107-110

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Transfers / Withdrawals

Policy 5119

Date Adopted: December 12, 2007

Date Revised:

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Date Reviewed:

General

All transfers into the schools of the district shall be in accord with Board Policy and law. Pupils 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 out of the district shall notify the principal of the pupil's respective school in a timely manner of their intention to leave the district.

Pupil records shall be transferred between Superintendent of Schools within the time frame prescribed by law.

Intradistrict Transfers in Compliance with No Child Left Behind

When a school in the district fails to achieve adequate yearly progress as defined by the state for two consecutive years, parents/guardians shall be informed of options for pupils in that school, including 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 pupils from the lowest-income families, as identified through federal free or reduced-price lunch statistics, shall be given priority in transferring.

Transportation shall be provided at no cost to transferring pupils until their school of origin demonstrates adequate improvement. Funding of transportation shall not exceed the limits described in NCLB. Pupils may remain in the school into which they have transferred until they have completed the highest grade in that school.

Grade Placement of Transferred Pupils

In order to ensure assignment to the grade best suited to a pupil's needs and readiness, placement is left to the judgment of the administration and teacher(s), working in cooperation with the pupil's parents/guardians. Such placements are to be governed by the following considerations:

1. Age health and maturity of the pupil
2. Quality and extent of previous courses of study
3. Record from previous school
4. Results of standardized tests

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Withdrawals

Students identified by the staff as a potential or immediate drop-out due to turning sixteen years of age and still enrolled will be requested to attend school for an assessment period of three days after they have indicated their intention of leaving school. During this three day period the following procedure is to be implemented:

- A. The student and the Guidance Counselor and, where appropriate, a Child Study Team Case Manager, will meet for the purpose of discussing the reason for leaving school and the student's plans for the future.
- B. The student and the Counselor and, where appropriate, a Child Study Team Case Manager, will meet to discuss the student's present scholastic standing.
- C. The student, the parent/guardians, the Counselor and, where appropriate, a Child Study Team Manager, and the Superintendent of Schools will meet to review all pertinent information and render their recommendations.

If, after the above procedure has been followed and the student remains firm on his/her intention to leave school, a final meeting will be scheduled between the student and the school psychologist to discuss the education and occupational alternatives that are available to them, such as:

- A. Graduate equivalency diploma
- B. Additional educational classes
- C. Training programs
- D. Work-study programs

All efforts will be extended in an attempt to retain the student in school and assist him/her in obtaining a diploma.

Legal References

- NJSA 18A:7B-12 District of residence; determination
18A:36-19a Newly enrolled students; records and identification
18A:36-25.1 Proof of child's identity required for enrollment; transfer of record between districts
18A:36B-1 et seq. Interdistrict Public School Choice Program
18A:38-8 Duty to receive pupils from other districts
- NJAC 6A:12-3.2 Criteria to guide the Commissioner's approval of choice program applications
6A:23-5.2 Method of determining the district of Residence
6A:32-8.2 School enrollment

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

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

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Transfers (Unsafe School Choice Option)

Policy 5119.3

Date Adopted: December 12, 2007

Date Revised:

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Date Reviewed:

Unsafe School Choice Option

If the school is identified as "persistently dangerous" by the New Jersey State Department of Education, and 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 Superintendent of Schools shall attempt to establish an agreement with a neighboring district. The Board shall review and approve any agreement prior to its application. Transportation shall not be provided to students transferring out of a "persistently dangerous" schools and student victims of violent criminal offenses.

The Superintendent of Schools shall ensure that the district complies with all requirements of federal law and the New Jersey State Department of Education. He/she shall prepare regulations to implement this policy.

Legal References

- NJSA 18A:7B-12 District of residence; determination
- 18A:36-19a Newly enrolled students; records and identification
- 18A:36-25.1 Proof of child's identity required for enrollment; transfer of record between districts
- 18A:36B-1 et seq. Interdistrict Public School Choice Program
- 18A:38-8 Duty to receive pupils from other districts
- NJAC 6A:12-3.2 Criteria to guide the Commissioner's approval of choice program applications
- 6A:23-5.2 Method of determining the district of Residence
- 6A:32-8.2 School enrollment

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

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

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Public Performances by Pupils

Policy 5121.4

Date Adopted: April 19, 1983

Date Revised:

Page 1 of 1

Date Reviewed:

It is the policy of the Board that the use of the school orchestra, bands, glee clubs, chorus or choirs, athletic teams and similar organized groups of the District shall be restricted to the activities which are covered by one or more of the items below:

- A. Schedule of events approved by the Board;
- B. Events that are in integral part of the individual school's curricular program;
- C. Events, which, in the opinion of the Superintendent, have Township-wide nature and significance, related to the total school program.
- D. Events which do not constitute exploitation of the pupil groups, for the benefit of only part of the community;
- E. Performances that do not constitute exploitation with other, scheduled activities or regular process of education.

In addition, special activity requests must comply with the following:

- A. When the activity is outside of the school facilities, parental permission must be received;
- B. In no instance shall the organization, class or pupil be paid for participation;
- C. All requests must be made through the office of the Superintendent, in writing.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:42-2 Orchestra

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Students

Series 5000

Reporting to Parents / Guardians

Policy 5124 [M]

Date Adopted: December 12, 2007

Date Revised:

Page 1 of 2

Date Reviewed:

The Board believes that the cooperation of school and home is vital to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of pupil welfare and progress in school.

The Board directs the establishment of a system of reporting pupil progress which shall include written reports, pupil-teacher conferences, and parent-teacher conferences. If the parent's primary language is other than English, translation shall be provided whenever possible.

The Superintendent of Schools and Building Principals shall develop procedures for reporting pupil progress which:

- A. Illustrate appropriate to grade level and curriculum content.
- B. Ensure that both the pupil and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the pupil'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.
- 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 pupil progress to parents and involve pupils, staff and parents in that review.

The district shall keep parents informed of both negative and positive behavior demonstrated in school activities.

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

Parental Notification

The Superintendent of Schools shall develop regulations to ensure that parents/guardians are notified in all instances when the law and/or the best interests of the pupil and the district require it.

Parents/guardians may request information regarding the professional qualifications of their child's teachers. This information includes, but is not limited to, the teacher's educational degrees and licenses and whether he/she teaches under an emergency credential waiver of licensing criteria. Parents may request the qualifications of paraprofessionals providing services to their children.

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Reporting to Parents

Policy 5124

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If a school is identified for program improvement, corrective action or restructuring based on failure to make “adequate yearly progress,” the district will promptly notify parents/guardians of the option to transfer their children to another public school and the availability of supplemental educational services. Notification will be provided in an understandable and uniform format and to the extent practicable, in language comprehensible by the parents of the child.

Legal References

- NJSA 18A:7E-2 through -5 School report card program
18A:11-1 General mandatory powers and duties
18A:35-4.9 Pupil promotion and remediation; policies and procedures
18A:40A-12 Reporting of pupils under influence or believed to be using anabolic steroids; examination report, return home; treatment; evaluation of possible need and referral
- NJAC 6A:8-4.3 Accountability
6A:8-4.5 Public reporting
6A:8-5.1 Graduation requirements
6A:14-1.1 et seq. Special Education
6A:15-1.1 et seq. Bilingual Education
6A:16-1.4 District policies and procedures
6A:10A-1.1 et seq. Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts
6A:10A-2.2, -5.1(a)3, -5.3
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-7.1(d, k) General considerations
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.

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Series 5000

Pupil Records

Policy 5125 [M]

Date Adopted: December 12, 2007

Date Revised:

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Date Reviewed:

The Board of Education 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 Superintendent of Schools shall be responsible for the security of student records maintained in the school district. 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 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 Education 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.

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 and adult students 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/adult student, if possible. When the parent or adult student's dominant language is not English, or the parent/adult student is deaf, the district 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 district that the right to review student records should be denied the person whose rights have been terminated;
- D. Parents/guardians or adult students have the right to seek to include in the records

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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/adult students 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 district's granting or denial of access to the student's records;

The Superintendent of Schools 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 district 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 district must notify parents/guardians and adult students annually in writing of their rights in regard to student participation in educational, occupational and military recruitment programs.

Such rights include:

- A. Notification of these rights in writing, in dominant language of parents/guardians or adult student.
- B. A 10-day period in which to submit a written statement to the Superintendent of Schools prohibiting the district 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 Superintendent of Schools 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.

District Review of Student Records

The Superintendent of Schools 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 student with a disability without prior parental notice.

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Records of Classified Students

All records of a student with a disability 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 a student with a disability on whose behalf the Board of Education must take public action. Motions concerning a student with a disability shall be anonymous and refer to this confidential file. This shall be maintained in accordance with NJAC 6A:32-7.

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

Transfer of Student Records

- A. The Superintendent of Schools shall request records of a newly enrolled student from 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. The Superintendent of Schools shall forward mandated student records as soon as possible upon receipt of the request from the Superintendent of Schools of the district to which the student has transferred, but in any case within the time limit prescribed by the administrative code. Permitted records shall be forwarded in the same manner at the same time if parental permission was given at the time the student's parents/guardians informed the district of the transfer.
- C. All records of district students moving into the district school system shall be transferred in a secure and orderly fashion at the mutual convenience of the two district's administration.

Permitted Access to Student Records

A nonadult student may assert rights of access only through his/her parent/guardian. However, certified school personnel may, in their discretion, disclose student records to nonadult 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 or adult student 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 or from an adult student only when the district obtains a court order or is provided with evidence that there is a court

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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 and to the extent necessary to record data and conduct routine clerical tasks.

The district may, at the discretion of the Board of Education, assess a charge for copies. The Board realizes and accepts the fact that any charges assessed shall not prevent parents/guardians from exercising their rights.

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 NJSA 47:1A-10, the Open Public Records Act (OPRA) and 20 U.S.C. 1232g; 34 CFR 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 parents/adult students must submit the request in writing, together with any required authorization, to the Superintendent of Schools/designee. District regulation 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 & Destruction of Records

The Superintendent of Schools 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 graduation or permanent departure of a student without the prior written consent of the parent/adult student.

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

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Liability

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

Legal References

- NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
18A:36-19 Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
18A:36-19a Newly enrolled students; records and identification
18A:36-19.1 Military recruiters; access to schools and student information directories
18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent
18A:40-4 Examination for physical defects and screening of hearing of students; health records
18A:40-19 Records and reports of tuberculosis testing; disposition; inspection
26:5C-7 through -14 Acquired Immune Deficiency Syndrome
47:1A-1 et seq. Examination and copies of public records ("Open Public Records Act")
47:3-15 et seq. Destruction of Public Records Law
52:17B-9.8a through -9.8c Marking of missing child's school record
- NJAC 6A:8-4.2 Documentation of student achievement
6A:14-1.1 et seq. Special Education
6A:16-1.1 et seq. Programs to Support Student Development
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-2.1 Definitions
6A:32-7.1 et seq. Student records
6A:32-8.1 School register
6A:32-14.1 Review of mandated programs and services
8:61-1.1 Attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV)
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 CFR Part II
Owasso Independent School District No. I-001 v. Falvo, 534 U.S. (2002)
Warren Board of Education v. Cooperman, 105 NJ 587 (1987)
No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

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Pupil Anonymity

Policy 5125.2

Date Adopted: December 8, 1988

Date Revised:

Page 1 of 1

Date Reviewed:

The Board of Education will do all in its power to prevent the use of an educationally handicapped pupil's name when discussing or acting upon a recommendation in which the use of the pupil's name could be considered detrimental to the child and a breach of confidentiality.

The Board directs that the names and other personally identifiable data concerning educationally handicapped children shall be kept confidential and shall not be included in the public acts and records of the district, except upon the written request of the parent or adult pupil, to the Superintendent of Schools. Such names and data shall be coded for inclusion in the public record. A special confidential file shall be maintained listing the names of educationally handicapped pupils on whose behalf the Board of Education must take public action. Motions concerning handicapped pupils made at public meetings shall be anonymous and referred to this confidential file. Access to this file, as to all other records of handicapped pupils, shall be given only to authorized school employees and official of the state department of education. Any further access to this information will be governed by law.

To ensure proper accessibility and confidentiality, the records of educationally handicapped pupils shall be gathered, updated, maintained, stored, transferred, made accessible and finally disposed of in accordance with the provisions of New Jersey Administrative Code on Pupil Records, NAC 6:3-2.

It shall be the policy of the Board of Education that all employees of the district shall be directed to utilize the following procedures to avoid the needless public labeling of educationally handicapped students but no be limited to:

Avoidance of any educationally handicapped labeling in public address announcements, classroom signs, open circulation of documents designating an individual or class as having an educational disability, open circulation of photographs and audio or video tapes without prior written parental/guardian approval to photograph and/or tape.

Recruiters' Access to Student Information Directories

The Board of Education shall accord educational, occupational, and military recruiters access to school facilities and student information directories provided that any adult pupil or parent may request, in writing, to the Superintendent of Schools, that the pupil in question be excused from participating in all recruitment programs or having his/her name appear in student information directories for all recruitment purposes.

Legal References

NJSA 18A:36-35 Disclosure of certain student information on Internet prohibited without parental consent

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Awards for Achievement

Policy 5126

Date Adopted: December 12, 2007

Date Revised:

Page 1 of 1

Date Reviewed:

The Board of Education believes that pupil achievement should be recognized at all levels in a manner appropriate to the pupil's accomplishment.

The Board directs the Superintendent of Schools/designee to develop criteria and procedures for presenting awards to pupils for scholarship and outstanding accomplishments in the arts, athletics and citizenship.

The Superintendent of Schools shall review and advise the Board on acceptance of proposed trophies, prizes, scholarships or other awards from nonschool donors. Any such proposed award shall be free from bias as outlined in the district's affirmative action policies.

Criteria regarding eligibility and selection for awards shall be disseminated annually to all pupils and parents/guardians.

Academic Recognition

The Board directs the Superintendent of Schools to establish criteria and procedures for recognizing academic achievement.

Athletic Participation

The Board wishes to recognize the achievements of pupils who give many hours of their time to represent the school in interscholastic athletics. Requirements for awards in each sport shall be decided by a committee composed of coaches, athletic director and Principal.

Service Participation

School service groups shall be recognized for participation in order to emphasize the importance of good citizenship in school life as outlined in the course of study.

Legal References

NJSA 18A:36-20 Discrimination; prohibition

18A:71-27 Higher education; scholarship funds; establishment; administration

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Commencement Activities

Policy 5127 [M]

Date Adopted: December 12, 2007

Date Revised:

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The Board endorses graduation activities and ceremonies. The date of graduation shall annually be recommended by the Superintendent of Schools and approved by the Board.

Graduation shall not occur prior to completion of the required days of pupil instruction.

Guidelines for Graduation Year Activities

Pupil participation in special graduation year activities will require conduct of the highest caliber in all school situations.

Criteria for exclusion from these activities concern consistent behavioral patterns and shall include, but not be limited to:

- A. Consistent involvement in disciplinary action(s);
- B. Suspension;

The final decision shall be made by the Superintendent of Schools.

Pupils and parents/guardians shall be given advance notification of these criteria.

Voting Information & Registration

Prior to graduation, the Board of Education shall provide a voter registration form and material describing the role of a citizen and the importance of voting to each eligible high school pupil.

Graduation Procedures & Ceremonies

No pupil shall be barred from participation in graduation ceremonies for arbitrary or discriminatory reasons. A pupil who may be prevented from participation and his/her parents/guardians shall be so notified in advance as soon as it can be determined that he or she will not meet graduation requirements.

The Board reserves the right to deny participation in graduation activities when extreme circumstances warrant it. Such denial shall be treated in the same manner as a suspension and the pupil so affected shall be afforded the rights of review provided in policies of this Board.

The Board reserves the right to withhold a diploma and transcripts until all fines are paid and all materials owned by the District not limited to textbooks, equipment, and uniforms are returned or monetarily compensated for.

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Policy 5127

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Financial hardship shall be defined by eligibility standards for free and reduced price meals under the state school lunch program.

The Board reserves the right to deny participation in graduation activities when extreme circumstances warrant it. Such denial shall be treated in the same manner as a suspension and the pupil so affected shall be afforded the rights of review provided in policies of this Board.

The Board reserves the right to withhold a diploma and transcripts until all fines are paid.

Awarding of Diplomas

A Board Member or staff member shall present a copy of the Declaration of Independence, the Constitution of the United States and the amendments thereto, and the Constitution of the State of New Jersey and the amendments thereto to each pupil upon graduation from elementary school.

The President of the Board of Education and/or another designated member of the Board or staff member shall award the diplomas. Board Members and former Board Members shall be afforded the opportunity to award diplomas to their own children.

The Board shall not prevent, or otherwise deny participation in, constitutionally protected prayer in any district school, consistent with guidance issued by the United States Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution.

Legal References

- NJSA 18A:7C-5.1 Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
- 18A:11-1 General mandatory powers and duties
- 18A:36-18 Books containing organic laws at graduation
- 18A:36-27 Voting information
- 18A:37-2 Causes for suspension or expulsion of pupils
- NJAC 6A:8-5.1 et seq. Implementation of Graduation Requirements
- 6A:16-7.1 et seq. Student Conduct
- Ballato v. Long Branch Board of Education, 1990 S.L.D. (August 20)
- Lee v. Weisman, 112 S.Ct. 2649 (1992)
- R.L. v. Kingsway Regional Board of Education, 95 NJAR2d (EDU) 296
- D.C. v. Parsippany Troy Hills Board of Education, 96 NJAR2d (EDU) 697
- DO'G v. Ridgefield Park Board of Education, 96 NJAR2d (EDU) 820
- R.F. v. Park Ridge Board of Education, 97 NJAR2d (EDU) 1
- American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F.3d 1471 (3d Cir. 1996)

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Policy 5129

Date Adopted: June 18, 1985 | Date Revised:

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Date Reviewed:

It is the right of every pupil to go to and from school, and to obtain an education in the schools, without fear of molestation, physical or verbal. The Board of Education hereby states that it will take such measures as are necessary, including suspension, permanent expulsion, or prosecution in the courts, against any person, pupil or other, who so interferes with the education of others.

The Board of Education therefore makes it clear that it will support teachers and other staff members who report violations of the school regulations, or violations of their own orders, because such violations do interfere with the rights of others. The disruption of the educational program of the schools by disorder or any other purposeful activity will not be tolerated. The Board of Education will prosecute any unauthorized person who enters upon school property.

For purposes of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, which interferes with the normal operation of the school.

The Board, having the responsibility for providing an educational program for the pupils of this district, shall have the authority to preserve order for the proper functioning of that program.

No pupil shall encourage any other pupil on or off school property to participate in any protest, march, picketing, or similar activities which cause or result in the disruption of any lawful function or activity of the school to which he/she is assigned or any other school in the School System.

Pupils shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

The Board, having the responsibility for providing an educational program for the students of this district, shall have the authority to preserve order for the proper functioning of that program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

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Activities which shall be disallowed by the Board include those which:

- A. Materially disrupt class work or provoke substantial disorder or invasion of others rights;
- B. Involve the use of obscenity or themes considered to be harmful to the normal development of impressionable students;
- C. Involve slander or false statements;
- D. Are grossly prejudicial in nature;
- E. Advocate or encourage use of substances or materials known to be harmful or dangerous;
- F. Advocate the use of force or the violation of laws or school regulations.

Legal References

NJSA 2A:53A-15. Liability of parent or guardian for willful destruction of property
2C:39-5 Unlawful possession of weapon
18A:17-46 Reporting violence and vandalism
18A:25-2 Authority over pupils
18A:37-1 Suspension and expulsion

No Child Left Behind Act of 2001, Pub. L. 107-110,

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

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

Manual for the Evaluation of Local School Districts

New Jersey Quality Single Accountability Continuum (NJQSAC)

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Harassment, Intimidation & Bullying

Policy 5131.9 [M]

Date Adopted: August 18, 2011

Date Revised:

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Date Reviewed:

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

A safe and civil environment in school is necessary for pupils to learn and achieve. High academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe environment; and since pupils learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

For the purposes of this policy, "harassment, intimidation or bullying" means any gesture or written, verbal or physical act or any use of an electronic communication device directed at a student that takes place on or off school grounds, at any school-sponsored function, or on a school bus as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3 that:

- A. Targets a student and which may affect his/her educational program;
- B. Substantially disrupts, infringes or interferes with the orderly operation of the school or the rights of other students;
- C. Creates a hostile educational environment for a student(s) by infringing and/or interfering with a student(s)' education;
- D. Severely or pervasively causes physical or emotional harm to a student(s);
- E. Is motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or,
- F. By any other distinguishing characteristic; and
- G. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his person or damage to his property; or
- H. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

For the purposes of this policy and as defined in NJSA 18A:37-15.1, an electronic communication device is, "A communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer or pager."

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Acts of harassment, intimidation or bullying may also be a pupil or group of pupils exercising control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

The term “school grounds,” pursuant to NJAC 6A:16-1.3, means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School property also includes other facilities as defined in NJAC 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

Anti-Bullying Coordinator

The Superintendent of Schools shall appoint a district anti-bullying coordinator, who shall be responsible for overseeing and strengthening the anti-bullying initiatives and policies of this district to prevent, identify and address harassment, intimidation or bullying of students. The district anti-bullying coordinator shall also:

- A. Collaborate with the school anti-bullying specialist(s), the Board of Education and the Superintendent of Schools to prevent, identify and respond to harassment, intimidation or bullying of students in the district;
- B. Provide data in collaboration with the Superintendent of Schools, to the New Jersey Department of Education regarding harassment, intimidation or bullying of students;
- C. Execute such other duties related to school harassment, intimidation or bullying as requested by the Superintendent of Schools; and,
- D. Meet at least twice per school year (once in the first semester and once in the second semester) with the school anti-bullying specialist(s) to discuss and strengthen procedures and policies to prevent indentify and address harassment, intimidation or bullying in the district.

In addition, a school safety team shall be established in each school to foster and maintain a positive school climate within the schools. Any parent/guardian who serves on the school safety team shall not participate in any activity of the team that may comprise the confidentiality of students.

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The Principal or Superintendent of Schools must appoint the currently employed school guidance counselor, school psychologist or other similarly trained individual as the school anti-bullying specialist. If there is no such individual meeting these criteria, the Principal or Superintendent of Schools must appoint another currently employed individual in the school to the position of school anti-bullying specialist.

The school anti-bullying specialist shall:

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

The Superintendent of Schools/designee shall develop a list of appropriate responses to actions of harassment, intimidation or bullying occurring off school grounds, in cases in which a school employee is made aware of such actions. These responses shall be consistent with the district's code of student conduct and other provisions of this policy and in accordance with the provisions of state and federal laws.

For school staff to address HIB that occurs off school grounds there must be reason to believe, at a minimum, that the alleged HIB has substantially disrupted or interfered with the orderly operation of the school or the rights of other students. Once this determination has been made, school staff must implement the provisions of this policy and the code of student conduct of the district.

Expected Behavior

The Board of Education expects pupils to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The Board of Education believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parents/guardians, staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of pupils, staff and community members.

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The Board of Education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent discipline problems and encourage pupils' abilities to grow in self-discipline.

Cyber-bullying

The Board of Education expressly forbids cyber-bullying. For the purposes of this policy, “cyber-bullying” shall mean using the communication capacities of computers, the Internet and/or other digital communication devices to bully others by:

- A. Sending or posting cruel messages or images;
- B. Threatening others;
- C. Excluding or attempting to exclude others from activities or organizations;
- D. Starting or passing on rumors about others or the school system;
- E. Harassing or intimidating others;
- F. Sending angry, rude or vulgar messages directed at a person or persons privately or to an online group;
- G. Sending or posting harmful, untrue or cruel statements about a person to others;
- H. Pretending to be someone else and sending or posting material that makes that person look bad or places that person in potential danger;
- I. Sending or posting material about a person that contains sensitive, private or embarrassing information, including forwarding private messages or images; and/or,
- J. Engaging in tricks to solicit embarrassing information that is then made public.

Pupils found to be engaging in activities as described above shall be subject to the terms and sanctions found in this policy and the discipline code of the district.

The Superintendent of Schools shall provide annually to pupils and their parents/guardians the rules of the district regarding pupil conduct, and the policy shall appear in all publications of the school district's comprehensive rules, procedures and standards of conduct for schools within the school district, including the pupil handbook.

Provisions shall be made for informing parents/guardians whose primary language is other than English. These district rules shall include, but not be limited to:

- A. Describing pupil responsibilities including the requirements for pupils to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority;

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- B. Addressing appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success,
- C. Explaining pupil rights; and,
- D. Identifying disciplinary sanctions and due process.

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

Discipline of Pupils

In considering whether a response beyond the individual level is appropriate, the administrator should consider the nature and circumstances of the act, the level of harm, the nature 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 district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable pupil behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

Pupils

Consequences and remedial measures for a pupil 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 of Education approved code of student conduct and NJAC 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 pupil 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:

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Consequences

- A. Admonishment;
- B. Temporary removal from the classroom;
- C. Deprivation of privileges;
- D. Classroom or administrative detention;
- E. Referral to disciplinarian;
- F. In-school suspension during the school week or the weekend;
- G. After-school programs;
- H. Out-of-school suspension (short-term or long-term);
- I. Legal action; and
- J. Expulsion.

Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Peer support group;
- E. Recommendations of a student behavior or ethics council;
- F. Corrective instruction or other relevant learning or service experience;
- G. Supportive student interventions, including participation of the intervention and referral services team;
- H. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- I. Behavioral management plan, with benchmarks that are closely monitored;
- J. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- K. Involvement of school disciplinarian;
- L. Student counseling;
- M. Parent conferences;
- N. Student treatment; or
- O. Student therapy.

Environmental (Classroom, School Building or School District)

- 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. Adjustments in hallway traffic;

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- 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 of parent-teacher organizations;

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

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

Staff

Any person who has been convicted of bias intimidation may be disqualified for employment in this district. 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:

Consequences

- A. Admonishment;
- B. Temporary removal from the classroom;
- C. Deprivation of privileges;
- D. Referral to disciplinarian;
- E. Withholding of Increment
- F. Suspension;
- G. Legal action; and
- H. Termination.

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Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Support group;
- E. Recommendations of behavior or ethics council;
- F. Corrective action plan;
- G. Behavioral assessment or evaluation;
- H. Behavioral management plan, with benchmarks that are closely monitored;
- I. Involvement of school disciplinarian;
- J. Counseling;
- K. Conferences;
- L. Treatment; or
- M. Therapy.

Environmental (Classroom, School Building or School District)

- 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.

Reporting Harassment, Intimidation or Bullying

The Superintendent of Schools, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

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Any school employee, pupil, Board Member, or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriately designated administrator or his/her designee.

All acts of harassment, intimidation or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted services provider witnessed or received reliable information regarding any such incident. The principal shall inform the parent(s)/guardian(s) of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation or bullying shall be reported in writing to the principal within 2 school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subjected to harassment, intimidation or bullying.

In cases in which an incident of harassment, intimidation or bullying occurs exclusively among or between special education students or student with developmental disabilities in the context of a county special services school district or a separate program for special education students within a school district, the school employee who witnesses such an incident shall have the discretion to determine whether it is necessary to report the incident or if the incident may have been affected by the condition of the student(s) and thereby warrants an alternative approach more appropriate in the special education context.

Reports of harassment, intimidation or bullying in any form, including but not limited to, oral reports, written reports or electronic reports shall be taken. Reports shall also be made to the Department of Education through the Electronic Violence and Vandalism Reporting System (EVVRS). The Board of Education shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report.

The Board of Education requires that all violations and complaint reports of harassment, intimidation or bullying be investigated promptly by the appropriately designated administrator or his/her designee. All investigations shall be thorough and complete and shall include, but not be limited to:

- A. Taking of statements from victim, witnesses and accused;
- B. Careful examination of facts;
- C. Support for the victim; and
- D. Determination if alleged act constitutes a violation of this policy.

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The appropriately designated administrator shall maintain all reports and records of the investigation on file.

Range of Ways to Respond to Harassment, Intimidation or Bullying

The Board of Education 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 district levels or by law enforcement officials. In considering whether a response beyond the individual is appropriate, the 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 district) responses may include, but are not limited to:

- 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 or bullying in the school community;
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include, but not be limited to:

- 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 discussions 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 programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;

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- D. District-wide 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).

Retaliation and Reprisal Prohibited

The Board of Education prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Superintendent of Schools and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and Board of Education policies and procedures.

Any act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, volunteer, visitor, or Board of Education Member 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 local law enforcement agency shall be notified.

Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accusing 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.

School Employees

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

Visitors, Volunteers

Consequences and appropriate remedial action for a visitor or volunteer, found to have engaged in retaliation, reprisal and/or falsely accusing another as a means of harassment, intimidation or bullying shall be determined by the Superintendent of Schools after

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consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences

- A. Admonishment;
- B. Temporary removal from the classroom or school;
- C. Deprivation of privileges;
- D. Classroom or administrative detention;
- E. Referral to disciplinarian;
- F. In-school suspension during the school week or the weekend;
- G. After-school programs;
- H. Out-of-school suspension (short-term or long-term);
- I. Legal action;
- J. Withholding of Increment;
- K. Suspension;
- L. Expulsion;
- M. Termination.

Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Peer support group;
- E. Recommendations of a student behavior or ethics council;
- F. Corrective instruction or other relevant learning or service experience;
- G. Supportive student interventions, including participation of the intervention and referral services team;
- H. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- I. Behavioral management plan, with benchmarks that are closely monitored;
- J. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- K. Involvement of school disciplinarian;
- L. Counseling;
- M. Conferences;
- N. Treatment; or
- O. Therapy.

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Support for Victims of Harassment, Intimidation or Bullying

The Superintendent of Schools/designee shall establish procedures and practices for supporting victims of harassment, intimidation or bullying, incorporating the services of professional staff members within the district or as he/she deems appropriate.

Investigation & Appeal

The Superintendent of Schools/designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the Superintendent of Schools/designee shall oversee a prompt, thorough and complete investigation of the alleged incident.

School administrators who receive a report of harassment, intimidation or bullying from a district employee and fail to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation or bullying and fail to take sufficient action to minimize or eliminate the harassment, intimidation or bullying may be subject to disciplinary action.

The investigation shall be initiated by the principal within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. Additional personnel may be appointed by the principal to assist in the investigation. The investigation shall be completed within 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 anticipated 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.

The results of the investigation shall be reported to the Superintendent of Schools within 2 school days of the completion of the investigation and in accordance with the regulations promulgated by the NJ State Board of Education pursuant to the "Administrative Procedure Act," PL 1968, c410 (C.52:14B-1 et seq). The Superintendent of Schools may decide to provide intervention services, establish training programs to reduce harassment, intimidation or bullying and enhance school climate, impose discipline, or order counseling as a result of the findings of the investigation or take or recommend other appropriate actions.

The results of each investigation shall be reported to the Board of Education no later than the date of the Board of Education meeting next following the completion of the investigation along with information on any services provided, training established, discipline imposed or other actions taken or recommended by the Superintendent of Schools.

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Parents/guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation in accordance with federal and state law and regulations, whether the district found evidence of harassment, intimidation or bullying or whether discipline was imposed or services provided to address the incident. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the Board of Education. A parent/guardian may request a hearing before the Board of Education after receiving the information and the hearing shall be held within 10 days of the request. The Board of Education shall meet in executive session for the hearing to protect the confidentiality of the student(s). At the hearing, the Board of Education 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 Board meeting following the receipt of the report, the Board of Education shall issue a decision, in writing to affirm, reject or modify the decision of the Superintendent of Schools. The decision of the Board of Education may be appealed to the NJ Commissioner of Education in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the decision of the Board of Education.

A parent/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," PL 1945, c169 (C. 10:5-1 et seq).

Response to an Incident of Harassment, Intimidation or Bullying

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. 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 district levels or by law enforcement officials.

Consequences for False Accusation

Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under NJSA 18A:37-1, Discipline of Pupils.

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Public Participation

Based on broad community involvement (i.e., the use of a process that includes representation of parents/guardians and other community representatives, school employees, volunteers, pupils and administrators for the purpose of providing input regarding the development and content of the policy that is based on accepted core ethical values), the Board of Education shall develop general guidelines for pupil conduct and shall direct development of detailed regulations suited to the age levels of the pupils and the mission and physical facilities of the individual schools. Board policy requires all pupils in the district to adhere to the rules and regulations established by the school district and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules.

Dissemination and Implementation

The Superintendent of Schools shall take the following steps to publicize this policy:

- A. Publicized on district website;
- B. Distributed annually to all staff, students and parents/guardians;
- C. Printed in school handbooks; and
- D. Posted at the entrance of each building.

A link to this policy shall be prominently posted on the home page of the district website and distributed annually to parents/guardians of students of this district. In addition, the name, school address, school phone number and email address of the district anti-bullying coordinator shall be listed on the district's website home page

All pupils and staff shall be informed that harassment, intimidation or bullying is prohibited on school property, at any school-sponsored function or on a school bus. This shall include development of a process to annually discuss the policy with students. This information shall also be incorporated into the student handbook and employee training programs.

Training of Staff Members, Administrators & Board of Education Members

The training needs of district staff for the effective implementation of this policy, procedures and initiatives of the Board of Education shall be reviewed annually. The Board of Education shall also implement staff training programs consistent with this review. Such training shall include, but not be limited to information on and the relationship between the risk of suicide and incidents of harassment, intimidation or bullying and reducing the risk of suicide among students, especially for those students who are members of communities identified as having members at high risk of suicide.

By the 2011-2012 school year, all candidates for school administrator or teacher certification will be required to complete a program on harassment, intimidation or bullying prevention, and that training in this area will be a part of the professional development requirements for these individuals.

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Within one year after being newly elected or appointed or being re-elected or re-appointed to the Board of Education, a Board Member shall complete a training program dealing with harassment, intimidation or bullying in schools and including a school district's responsibilities under PL 2002, c.83 (C.18A:37-13 et seq). This training shall be provided by the New Jersey School Boards Association in consultation with recognized experts in school bullying from a cross-section of academia, child advocacy organizations, nonprofit organizations, professional associations and governmental agencies. Board Members shall be required to complete the program only once.

The training course for any safe school resource officers and/or public school employees assigned by the Board of Education to serve as a school liaison to law enforcement must include training in the protection of students from harassment, intimidation or bullying.

The extent and characteristics of harassment, intimidation or bullying behavior in the district's schools, and implementation programs, or other responses, if appropriate, shall be reviewed annually. These programs or other services shall be planned in consultation with parents, and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students, and school administrators, as appropriate.

Twice annually, at a public hearing, the Superintendent of Schools must report to the Board of Education, all acts of violence, vandalism and harassment, intimidation or bullying that occurred during the previous period. This report shall include, but not be limited to:

- A. The number of reports of harassment, intimidation or bullying the status of all investigations;
- B. The nature of the bullying based on one of the protected categories identified in Section 2 of PL 2002, c.83 (C18A:37-14);
- C. The names of the investigators;
- D. The type and nature of any discipline imposed on any student engaged in harassment, intimidation or bullying; and,
- E. Any other means imposed training conducted or programs implemented to reduce harassment, intimidation or bullying.

The information shall also be reported once during each semester of the school year to the Department of Education. The report must include data broken down by the enumerated categories as listed in Section 2 of PL 2002, c.83 (C18A:37-14, and data broken down by each school in the district, in addition to district-wide data. The report will be used to grade schools and districts in their efforts to implement policies and programs with the "Anti-Bullying Bill of Rights Act. It shall be a violation to improperly release any confidential information not authorized by federal or state law for public release.

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The district shall be graded by the New Jersey Commissioner of Education on its efforts to identify harassment, intimidation or bullying and the School Report Card shall include data identifying the number and nature of all reports of harassment, intimidation or bullying.

The grade assessed for each school and the district shall be published on the district website, along with a link to the report. This information shall be posted on the district website within 10 days of the receipt of a grade by the school and district.

The Superintendent of Schools shall ensure that the rules for this policy are applied consistently with the district's code of student conduct NJAC 6A:16-7 and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process.

A copy of this policy and any future revisions to it shall be transmitted to the County Executive Superintendent within 30 days of the adoption of the policy and/or any revisions to it.

Annually, the district shall conduct a re-evaluation, reassessment and review of this policy, making any necessary revisions and additions. The Board of Education shall include input from the school anti-bullying specialist(s) in conducting this review, re-evaluation, and reassessment.

The week beginning with the first Monday in October of each year has been designated as a "Week of Respect" in the State of New Jersey. This district shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation and bullying. In addition, the district shall provide ongoing age-appropriate instruction dealing with the prevention of harassment, intimidation and bullying, in accordance with the New Jersey Core Curriculum Content Standards.

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Legal References

- NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
2C:12-1 Definition of assault
2C:33-19 Paging devices, possession by students
2C:39-5 Unlawful possession of weapons
18A:6-1 Corporal punishment of pupils
18A:11-1 General mandatory powers and duties
18A:25-2 Authority over pupils
18A:37-1 et seq. Discipline of Pupils
- NJAC 6A:14-2.8 Discipline/suspension/expulsions
6A:16-1.1 et seq. Programs to Support Student Development
6:32-12.1 Reporting requirements

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Communicable Diseases

Policy 5132.45

Date Adopted: March 26, 2009

Date Revised:

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Date Reviewed:

Control of Contagious/Infectious Diseases

In order to protect the health of the children in district schools, all regulations of the NJ State Department of Education, the State Department of Health and local Board of Health shall be scrupulously observed, particularly those dealing with contagious/infectious diseases.

Any pupils returning to school after an absence due to contagious/infectious disease must present a certificate from a licensed physician stating that he/she is free from the disease, or otherwise qualify for admission under the above agencies rules pertaining to periods of incubation, communicability, quarantine and reporting.

The School Nurse shall cooperate with the school doctor in instructing all teachers in the symptoms of the most common diseases at least once a year. The diseases to be covered in this instruction shall include but not be limited to:

Chicken Pox
Mumps
Poliomyelitis
Diphtheria
Salmonellosis

Acquired Immune Deficiency
Syndrome
Pertussis (whooping cough)
Typhoid Fever
Measles

Small Pox
Hepatitis
Rubella
Strep infections,
including Scarlet
Fever, sore throat and
Erysipelas

Teachers shall not attempt to diagnose any illness of a pupil, but shall refer all illness to the School Nurse immediately.

The Superintendent of Schools, in cooperation with the school doctor, shall develop procedures and programs to implement this policy. The school doctor shall report all cases of communicable disease to the local Board of health as required by law.

No ill pupil shall be identified by name or address in order to preserve confidentiality.

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Legal References

- NJSA 18A:16-6, -6.1 Indemnity of officers and employees against civil actions ...
18A:35-4.6 et seq. Parents Right to Conscience Act of 1979
18A:40-1 Employment of medical inspectors, optometrists and nurses; salaries; terms; rules
18A:40-3 Lectures to teachers
18A:40-4.3 Scoliosis; periodic examination; notice to parents or guardian
18A:40-5 Method of examination; notice to parent or guardian
18A:40-6 In general
18A:40-7, -8, -10, -11 Exclusion of pupils who are ill ...
18A:40-23 et seq. Nursing Services for Nonpublic School Pupils
18A:40A-1 et seq. Substance Abuse
44:6-2 Maintenance by boards of education of clinics for indigent children
- NJAC 6A:16-1.1 et seq. Programs to Support Student Development
8:57-1.1 et seq. Reportable Communicable Diseases
8:57-2 Reporting of AIDS and HIV
8:61-1.1 Attendance at school by pupils or adults Infected by Human Immunodeficiency Virus (HIV)

Plainfield v. Cooperman, 105 NJ 587 (1987)

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Married / Pregnant Pupils

Policy 5134 [M]

Date Adopted: December 12, 2007

Date Revised:

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Date Reviewed:

The Board of Education is obligated to provide an educational setting free of discrimination against admission to, or in obtaining any advantages, privileges or course of study of the school by reason of race, color, creed, sex or national origin (NJSA 18A:36-20). Further, no pupil shall be discriminated against because of pregnancy, childbirth, pregnancy related disabilities, actual or potential parenthood, or family or marital status (NAC6:41.5) and Title IX – 106.40). In compliance with these statements, the Board of Education makes the following policy relative to married and pregnant pupils.

No pupil, whether married or unmarried, who is otherwise eligible to attend school, shall be denied an educational program solely because of pregnancy, false-pregnancy, termination of pregnancy, childbirth, pregnancy-related disabilities, recovery thereof or actual or potential parenthood.

Attendance/Participation

Pregnant pupils shall be permitted to continue attendance in regular classes and participate in extracurricular activities as long as the pregnant pupil's physician has sanctioned the above. A letter from the pregnant pupil's physician for continued attendance/participation must be on file with the School Nurse.

The Board reserves the right to require, as a prerequisite for attendance in class and participation in the extracurricular program, that each pregnant pupil submit to periodic examinations by her physician at the intervals prescribed by the School Physician. The School Nurse will notify the pregnant pupil and her parents of the requirements for these physical examinations. Records of said examinations will be placed in the pupil's file in the School Nurse's office.

Bedside Instruction

If the pregnant pupil is physically unable to attend regular classes, she may be eligible of a program of "Home Instruction" (Policy 6173). Typically, the pregnant pupil is required to attend day school or the alternative evening high school until six weeks before her expected delivery date.

Home instruction will end a maximum of six weeks after the delivery date unless medical contraindications prohibit this. Medical complications must be verified in writing by the pupil's physician.

Legal References

- | | |
|------|---|
| NJSA | 10:5-1 et seq. Law Against Discrimination
18A:36-20 Discrimination prohibited |
| NJAC | 6A:7-1.1 et seq. Managing for Equality and Equity in Education
U.S.C.A. 1681 - Title IX of the Education Amendments of 1972
The Comprehensive Equity Plan, New Jersey State Department of Education |

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Adolescent Suicide Awareness & Prevention Programs

Policy 5135

Date Adopted: February 13, 1982 | Date Revised:

Page 1 of 1

Date Reviewed:

Suicide or Sudden Death

The Board of Education recognizes that the rate of self-destructive behavior is increasing among children and adolescents in this country. Pupils who experience depression are unable to benefit fully from the educational program of the school. Moreover, a pupil who attempts suicide poses a danger both to self and possibly to others.

Therefore, the Board of Education directs that all school personnel should be alert to the warning signs of childhood and adolescent suicide and the procedures to follow in the event of an actual attempt or completion. Such signs and behavior shall be taken seriously and reported to the school administration and Child Study Team who shall determine what further action is required. Other district employees may be used to intervene or assist with such situations. If emergency intervention is required, the pupil shall be taken to the appropriate medical facility.

In incidents of such potential self-destructive behavior, the pupil's parents shall be notified immediately and their cooperation shall be sought for immediate intervention. If the parent is unwilling to cooperate, the school administration and/or Child Study Team shall contact appropriate agencies to request intervention on the pupil's behalf. In cases of child abuse or neglect, school personnel are required to contact the New Jersey Division of Child Protection & Permanency (DCP&P).

The Board directs the Superintendent of Schools to develop procedures to implement this policy.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
30:9A-12 Youth suicide prevention program

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Fund-Raising Activities

Policy 5136

Date Adopted: December 12, 2007 | Date Revised: July 21, 2011

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Date Reviewed:

The Board of Education recognizes the value of having pupils participate in fund-raising activities, both as individuals and as groups, in order to help defray the cost of certain extracurricular field trips or other worthwhile programs. The Board believes that pupil fund raising activities that are work or service oriented (as opposed to sales of merchandise) should be encouraged. Students who elect not to participate in the fund raising activity may not be excluded from the event for that reason.

For purposes of policy, "pupil fund raising" shall include the solicitation and collection of money by pupils for any purpose, and shall include the collection of money in exchange for tickets, papers or any other goods or services except those goods and services which are part of a Board-approved program of the schools.

The Board prohibits the collection of money in school, or on school property, or at any school-sponsored event, by a pupil for personal benefit. Collection of money by school organizations approved by the Board shall be approved by the principal. Collections by organizations outside the schools or by pupils on behalf of such organizations shall be approved by the Superintendent of Schools. Specifically forbidden is "tagging" or collecting money, either door-to-door or any form of panhandling.

The Board shall not be responsible for the protection of, or the accounting of, funds collected from pupils by organizations outside the schools, by teaching staff members when not required to collect money for a Board-approved purpose, and by school-connected organizations. Funds raised by pupil fundraising activities shall be deposited in the proper accounts as determined and approved by the School Business Administrator.

The Board prohibits fundraising activities by school-sponsored groups or outside organizations that encourage door-to-door solicitation.

Staff members are not permitted to promote or encourage student participation in pupil fundraising activities or school sponsored/approved activities by offering academic enhancements/rewards not limited to extra credit, changing or eliminating quiz/test scores, and homework passes.

All fundraising activities shall be approved by the Superintendent of Schools or his designee prior to such fundraising occurring.

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Legal References

- NJSA 18A:11-1 General mandatory powers and duties
18A:19-14 Funds derived from pupil activities
18A:20-34 Use of schoolhouse and grounds for various purposes
18A:23-1 Audit when and how made
18A:23-2 Scope of audit
52:14-15.9c1. et al. Public Employee Charitable Fund-Raising Act
- NJAC 6A:23-2.1et seq. Double Entry Bookkeeping and GAAP Accounting in Local School Districts
6A:23-2.14 Student activity funds
6A:23-2.15 School store business practices
- Selfridge v. Kinnelon Board of Education, 1977 S.L.D. 522

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Child Abuse & Neglect

Policy 5141.4 [M]

Date Adopted: August 17, 2006

Date Revised:

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Date Reviewed:

The Board of Education believes that the physical and mental well being of all children in its charge must be maintained as prerequisite to learning through the formal educational process. The Board of Education is cognizant of the importance of early identification of child abuse. The school district personnel will cooperate with the New Jersey Division of Child Protection & Permanency (DCP&P) in the identification, immediate reporting, and investigation of allegations of child abuse.

The Board of Education directs the Superintendent of Schools to develop and implement procedures for compliance with the law and code requirements pertaining to allegations of child abuse. The Board of Education has designated a liaison to DCP&P. Abuse referrals are not screened or referred through the liaison. The function of the liaison is to:

Facilitate communication and cooperation between the district and DCP&P; and act as the primary contact person between the schools and DCP&P with regard to general information sharing and the development of mutual training and other cooperative efforts.

The Superintendent of Schools shall require all employees to receive in-service training concerning child abuse, instructional methods and techniques relative to issues of child abuse in the local curriculum, and personnel responsibilities pursuant to NJSA 9:6-8.10 et seq. This training shall include information regarding the identification and reporting of allegations of child abuse to DCP&P, as well as the investigative process conducted by DCP&P. Additionally, the employees shall be made aware of their rights and responsibilities according to law and code. A person making the report in good faith is immune.

“Anyone acting pursuant to this act in the making of a report under this act shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such person shall have the same immunity with respect to testimony given in any judicial proceeding resulting from such report” (NJSA 9:6-8.13).

Failure to make a report is a violation, and the person is subject to a fine and incarceration.

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“Any person knowingly violating the provisions of this act, including the failure to report an act of child abuse, having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person” (NJSA 9:6-8.14). “No school personnel will be discharged from employment or in any manner be discriminated against as a result of making, in good faith, a report or causing to be reported an allegation of child abuse (NJSA 9:8.13). “Due process rights will be provided to school personnel who have been reassigned or suspended in accordance with NJSA 18A:6-10 et seq., 18A:25-1, 18A:25-6, and NJSA 9:6-3.1. Temporary reassignment or suspension of school personnel alleged to have committed an act of child abuse shall occur if there is reasonable cause to believe that the life or health of the alleged victim or other children is in imminent danger due to continued contact between the school personnel and a child (NJSA 18A:6-10 et seq. and NJSA 9:6-3.1).

Legal References

- NJSA 9:6-1 et seq. Abuse, abandonment, cruelty and neglect of child;
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
18A:25-1 Transfer of teaching staff members
18A:25-6, -7 Suspension of assistant superintendents, principals and teachers ...
18A:36-19 Pupil records; creation; maintenance and retention, security and access; regulations; nonliability
18A:36-19a Newly enrolled students; records and identification
18A:36-24 et seq. Missing children; legislative findings and declarations
52:17B-9.8a et seq. Marking of missing child's school record
- NJAC 6A:16-1.4 et. seq. District policies and procedures
6A:16-11.1 et seq. Reporting Allegations of Child Abuse and Neglect
6A:32-7.1 et seq. Student records

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Automated External Defibrillator

Policy 5141.9

Date Adopted: May 29, 2014

Date Revised:

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Date Reviewed:

Existing AED Policy

The Board of Education recognizes that cardiovascular disease is the leading cause of death in the United States. In an effort to ensure the safety of students, visitors and staff, the Board establishes this policy for the use of an Automated External Defibrillator (AED).

For the purposes of this policy, Automated External Defibrillator means a medical device heart monitor and defibrillator that:

1. Has received approval of its pre-market notification filed pursuant to 21 U.S.C. s.360(k) from the United States Food and Drug Administration;
2. Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and,
3. Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

An AED will be located in the school building and will be used by qualified responders in response to cardiac medical emergencies. The AED will not be used by anyone without proper training. The AED will be maintained and tested in accordance with the operational guidelines of the manufacturer. The AED will be kept on school property and may accompany Emergency Medical Services (EMS) personnel to a hospital emergency room or other medical facility as deemed appropriate by the EMS. It will be returned to the school as soon as the emergency has been adequately addressed.

Neither the properly trained care provider, the Board of Education, nor the trainers of responders in the use of the AED will be held civilly liable for their acts or omissions in rendering good faith emergency care to someone who appears to be in cardiac arrest.

In accordance with P.L. Chapter 34 and under the direction of the school physician, a Board of Education employee may use the AED under the following circumstances:

1. The employee has successfully completed and holds a current certification from the American Heart Association, American Red Cross or other training program recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and use of a defibrillator. Copies of the certificates will be kept on file in the school office and the Nurse's office. Re-certifications will be submitted for filing annually.
2. The victim is in cardiopulmonary arrest as determined by unconsciousness, absent pulse, and no spontaneous breathing.
3. "9-1-1" is activated.
4. Cardiopulmonary Resuscitation (CPR) is performed until the AED is brought to the scene.

5. After assessing unresponsiveness, the responder will call for help and for someone to contact 9-1-1 to summon EMS. The responder will also request that the AED be retrieved.
6. The responder will then begin to administer CPR until the AED arrives. Once the responder determines that the use of the AED is indicated, he/she will do so in accordance with the training he/she has received and the instructions of the manufacturer.

Once the EMS arrives the EMS will assume responsibility for the care of the victim, using the AED and transport the patient to the hospital. After the victim has been transferred to the care of the EMS, the School Nurse will notify the School Physician. The AED Incident Response Report is to be completed by the rescuer and given to the School Nurse who will send a copy to the School Physician. The School Nurse will conduct a post-event debriefing with the responder to review actions that went well and the collection of opportunities for improvement, as well as critical incident de-briefing.

The use of an AED is contraindicated under the following circumstances:

1. The victim is conscious,
2. The victim is breathing,
3. There is a presence of a detectable pulse of the victim,
4. The victim is a child under the age of 1, in accordance with the guidelines established by the American Heart Association,
5. The victim is lying in water, or
6. The victim is lying on a metal surface

Any person or entity who, in good faith, acquires or provides a defibrillator, renders emergency care or treatment and, who has complied with the requirements of P.L. Chapter 34, shall be immune from civil liability for any personal injury as a result of such care or treatment, or as a result of any acts or omissions by the person or entity in providing, rendering, or supervising the emergency care or treatment. The immunity provided shall include the prescribing licensed physician and the person or entity that provided the training in cardio-pulmonary resuscitation and the use of the defibrillator.

Revision and updating of these guidelines will be the responsibility of the Brick Township Board of Education.

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Date Adopted:

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REVISED AED Policy

The American Heart Association estimates many lives could be saved if defibrillators were more widely available. Due to technological advances, automated external defibrillators (AEDs) may be used by laypersons without any training to provide defibrillation within the first minutes of cardiac arrest thereby increasing the victim's chances of survival. In accordance with NJSA 18A:40-41.a, the Board of Education shall ensure every school in the school district has an AED as defined in NJSA 2A:62A-24. The AED shall be made available in an unlocked location on school property with an appropriate identifying sign. The AED shall be 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 school district are participating. The AED shall be within reasonable proximity of the school athletic field or gymnasium, as applicable.

A team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during athletic events or team practices, shall be trained in cardio-pulmonary resuscitation and the use of the AED in accordance with the provisions of NJSA 2A:62A-25.a. The school district shall be deemed to be in compliance with NJSA 2A:62A-25.a, if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

Each AED in the school district shall be tested and maintained according to the manufacturer's operational guidelines. Notification shall be provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the AED, the type acquired, and its location in accordance with NJSA 2A:62A-25.b and c.

The school district and its employees shall be immune from civil liability in the acquisition and use of AEDs pursuant to the provisions of NJSA 2A:62A-27.

In accordance with the provisions of NJSA 18A:40-41.b, the Superintendent of Schools or designee shall establish and implement an Emergency Action Plan applicable to each school in the school district for responding to a sudden cardiac event including, but not limited to, an event in which the use of an AED may be necessary. The Emergency Action Plan shall be consistent with the provisions of NJSA 18A:40-41.a and, at a minimum, shall include 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 programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and in the use of an AED. This list shall be updated, if necessary, at least once in each semester of

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the school year. The Emergency Action Plan shall also include 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 cardio-pulmonary resuscitation; retrieving and using the AED; and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

NJSA 18A:40-41.a; 18A:40-41.b

Regulations/Procedures

Automated External Defibrillator (AED)

- A. Every school in the school district shall have an AED as defined in NJSA 2A:62A-24.
- B. For the purposes of this Policy and Regulation, “automated external defibrillator” or “defibrillator” or “AED” means a medical device heart monitor and defibrillator that:
 - Has received approval of its pre-market notification filed pursuant to 21U.S.C.§360(k) from the United States Food and Drug Administration;
 - Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and,
 - Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

Location and Availability of AED

- A. The AED shall be made available in an unlocked location on school property with an appropriate identifying sign.
- B. The AED shall be 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 school district are participating.
- C. The AED shall be within reasonable proximity of the school athletic field or gymnasium, as applicable.

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Training Requirements for Using an AED

- A. A team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during athletic events or team practices, shall be trained in cardio-pulmonary resuscitation and the use of the AED in accordance with the provisions of NJSA 2A:62A-25.a. The school district shall be deemed to be in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice.
- B. Prior to using an AED a school employee must have successfully completed and hold a current certification from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and the use of an AED.
- C. The Board of Education shall not be liable for any act or omission of any layperson who uses the defibrillator in the rendering of emergency care.
- D. Each AED shall be maintained and tested according to the manufacturer's operational guidelines.
- E. The Principal or designee shall notify the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider that the school has acquired an AED, the type acquired, and its location.
- F. Prior to purchasing an AED, the Superintendent of Schools or designee will provide the prescribing licensed physician with documentation that the school district has a protocol in place to comply with the requirements listed above.

Immunity from Civil Liability

- A. Any person who uses an AED shall request emergency medical assistance from the appropriate first aid, ambulance, or rescue squad as soon as practicable. However, a layperson who, in good faith, fails to request such emergency medical assistance shall be immune from civil liability for any personal injury that results from that failure.
- B. The school district and its employees shall be immune from civil liability in the acquisition and use of AED(s) pursuant to the provisions of NJSA 2A:62A-27.
 - Any person or entity who, in good faith, acquires or provides an AED, renders emergency care or treatment by the use of an AED, assists in or supervises the emergency care or treatment by the use of an AED, attempts to use an AED for the purpose of rendering emergency care or treatment, and who has complied with the requirements NJSA 18A:40-41.a and b, and NJSA 2A:62A-23 through 2A:62A-27 shall be immune from civil liability for any personal injury as a result of that care or treatment, or as a result of any acts or omissions

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by the person or entity in providing, rendering, assisting in, or supervising the emergency care or treatment.

- A person or entity providing or maintaining an AED shall not be liable for any act or omission involving the use of an AED in the rendering of emergency care by a layperson.
- C. The immunity noted above shall include the prescribing licensed physician and the person or entity who provided training in cardio-pulmonary resuscitation and use of the AED.
- D. NJSA 2A:62A-27 shall not immunize a person for any act of gross negligence or willful or wanton misconduct. It shall not be considered gross negligence or willful or wanton misconduct to fail to use a defibrillator in the absence of an otherwise pre-existing duty to do so.

Emergency Action Plan

The Superintendent of Schools or designee shall establish and implement an Emergency Action Plan applicable to each school in the district for responding to a sudden cardiac event including, but not limited to, an event in which the use of an AED may be necessary.

The Emergency Action Plan shall be consistent with the provisions of NJSA 18A:40-41.a and, at a minimum, shall include a list of no less than five school employees, team coaches, or licensed athletic trainers in each school building who hold current certifications from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and in the use of the AED. This list shall be updated, if necessary, at least once in each semester of the school year.

The Emergency Action Plan shall also include detailed procedures on responding to a sudden cardiac event including, but not limited to:

- A. The identification of the persons in the school who will be responsible for responding to the person experiencing the sudden cardiac event;
- B. Calling 911;
- C. Starting cardio-pulmonary resuscitation;
- D. Retrieving and using the AED; and
- E. Assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Revision and updating of these guidelines will be the responsibility of the Board of Education.

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Automated External Defibrillator

Policy 5141.9

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Legal References

- NJSA 2A:62A-1 “Good Samaritan Act”
- 18A:11-1 General mandatory powers and duties
- 18A:11-3 Voluntary associations resulting student activities; rules and regulations; appeals
- 18A:40-41a et seq Schools required to have AED – “Janet’s Law”
- 18A:40-4.5 No court action against school personnel

- AED’s in the School, Stapleton, E., Ed Louis J. Acompora Memorial Foundation, 1998
- Fundamentals of BLS for Healthcare Providers, AHA, 2001
- Plainfield Board of Education v. Cooperman, 105 NJ 587 (1987)
- No Child Left Behind Act of 2001, Pub. L. 107-110

Possible Cross References

5141.1, 5141.2, 6153

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The Board of Education recognizes the safety of its pupils as a consideration of utmost importance. The Superintendent of Schools 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 Superintendent of Schools shall oversee development of a district-wide safety program with emphasis on accident prevention.

Facilities

The Superintendent of Schools 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 Superintendent of Schools shall inform all newly employed staff of school safety rules and regulations within 60 days of the effective date of their employment. All district employees will receive the appropriate inservice training to recognize and respond appropriately to safety concerns including emergencies and crises, in accordance with the district safety plans, procedures and mechanisms. The district 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 Superintendent of Schools 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 Superintendent of Schools shall seek the cooperation of the police and other appropriate agencies in providing for the safety of pupils on or around school property. The Board shall adopt the necessary regulations governing supervision of pupil safety.

No pupil shall leave the school before the end of the school day without permission of the Superintendent of Schools/designee.

No pupil shall run errands on school business off the school property.

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

Employers of work/study pupils are required to report to the Superintendent of Schools/designee if a pupil has not reported for work within one hour of the expected arrival time. Other pupils 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 pupil. Such custodian shall be responsible for informing the Superintendent of Schools of any change in the pupil's custody. If one parent/guardian has been awarded custody of the pupil in a divorce, the other parent/guardian shall present to the Superintendent of Schools/designee a letter authorizing him/her to accompany the child from school before the child may be released. The Superintendent of Schools/designee 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 Pupils During Dismissal

Dismissal will be supervised. District staff will be assigned to specific locations and given defined responsibilities to supervise pupil dismissal in each district school facility. Regular and early dismissal will be supervised according to the same protocol unless otherwise specified. The Superintendent of Schools is responsible for overseeing the development of protocols that are tailored to the age and needs of the pupils at each school facility. At a minimum these protocols shall include:

- A. Staff assigned to supervise dismissal and their locations and responsibilities
- B. Where pupils 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.
- D. Location and presence of municipal crossing guards

The Board of Education will review the dismissal procedures annually.

Supervision of Non-bused Pupils at Dismissal

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

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All documented arrangements will be considered permanent for the entire school year. Parents/Guardians may alter arrangements upon prior written notification to the Superintendent of Schools/designee.

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

The Superintendent of Schools/designee is responsible for the collection of all dismissal arrangements requested by the parents/guardians. The Superintendent of Schools/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 Superintendent of Schools/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 pupils, non-bused pupils and pupils in after-school programs or activities
- D. Supervision arrangements for pupils at dismissal
- E. Emergency plan for supervision of pupils left at school
- F. After school program opportunities
- G. Procedures for enrolling pupils in after school 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 Superintendent of Schools 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 pupil 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.

Potentially Missing Children

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

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The Superintendent of Schools 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 pupil into the custody of any person who appears to be physically and/or emotionally impaired to the extent that harm could come to the pupil if released to such a person. The Superintendent of Schools/designee shall make the final determination as to whether an individual is impaired.

Megan's Law

Only law enforcement agencies in the community receive notification of the presence of Tier One offenders. The Superintendent of Schools and his/her designees 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 district. The Chief School Administrator/designee 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. Superintendent of Schools/designee shall determine who to notify on the basis of this definition, as well as on specific job duties carried out in their schools. If private vendors perform any of these functions, the Superintendent of Schools/designee 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 local law enforcement agency or the county prosecutor.

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District personnel shall not notify the following of the presence of Tier Two or Tier Three offenders:

- A. Members of PTO and PTA
- B. Organizations using school facilities
- C. Other schools
- D. Press

The Superintendent of Schools/designee shall provide registration forms to any organization that uses the school facilities, including a parent-teacher organization, which wishes 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 Superintendent of Schools/designee, 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.

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 Superintendent of Schools that notice cannot be given.

Students and district employees shall not be liable in any civil or criminal action for providing or failing to provide information relevant to notification. The Superintendent of

Schools shall prepare regulations to implement this policy and all directives of the county prosecutor's office to ensure careful adherence to Megan's Law.

Rights of Parents

The Board of Education recognizes that the parents of each child are ultimately responsible for the care and custody of that child, and that both parents share that responsibility equally. The Board recognizes as well that, where only one parent has legal custody of a child, the custodial

rights and responsibilities of the other parent may be limited. The Board believes that the interests of each child are best served by the continuing involvement of both parents in the child's life and well-being.

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

The Board's presumption of the equal rights and responsibilities of parents may be set aside only upon the presentation to the Superintendent of Schools of proper notice that custody of a pupil resides in only one parent and that the custodial rights of the other parent have been limited. When such notice is duly presented, the Superintendent of Schools will be directed by the terms of that notice to limit the access of the non-custodial parent to the child or to information about the child. Proper notice 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 limitations of the non-custodial parent or terminates the parental rights of the non-custodial parent.

Nothing in this policy shall be construed as limiting in any way the rights of the non-custodial parent whose parental rights have not been terminated to full access to his/her child's records and to full participation, in accordance with law, in the decisions regarding his/her handicapped child's evaluation, classification and placement.

Personal Property

Parents 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.

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 Education shall hold a public hearing on violence and vandalism pursuant to NJSA 18A: 17-46 and NAC 6A: 16-5.3. The requirements of the public hearing are covered in greater detail in file code 5131.5 of this manual.

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Legal References

- NJSA 2C:7-2 et seq. Registration and Notification of Release of Certain Offenders
2C:39-5 Unlawful possession of weapons
18A:6-2 Instruction in accident and fire prevention
18A:16-2 Physical examinations; requirement
18A:17-42, -43 and -45 through -48 Public School Safety Law
18A:20-21 Supervisors and other employees
18A:35-5 Maintenance of physical training courses; features
18A:35-5.1 through -5.3 Lyme disease prevention; public school health curriculum
18A:36-24 through -25 Missing children; legislative findings and declarations...
18A:36-29 et seq. Voluntary fingerprinting ...
18A:40-12.1, -12.2 Protective eye devices required for teachers, pupils and visitors in certain cases ...
18A:41-1 et seq. Fire drills and fire protection
30:5B-26 through -29 Child care before and after school hours ...
34:5A-1 et seq. Worker and Community Right to Know Act
39:4-183.1a Traffic control devices
52:27D-123.9 et seq. Definitions relative to playground safety
- NJAC 5:23-11 to 11.4 Playground Safety Subcode
6A:8-5.1 Graduation requirements
6A:16-1.1 et seq. Programs to Support Student Development
6A:19-10.1 et seq. Safety and Health Standards
6A:26-12.1 et seq. Operation and Maintenance of Facilities
6A:27-11.1 et seq. Safety
- Jerkins v. Anderson, 191 N.J. 285 (June 14, 2007)
Manual for the Evaluation of Local School Districts
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Students

Student Government

Series 5000

Policy 5142.2

Date Adopted: April 18, 1983	Date Revised:	Page 1 of 1
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The Board of Education recognizes the importance of offering pupils the opportunity to participate in representative self-government and to develop leadership skills. Pupils shall have the right to organize, conduct meetings, elect officers and representatives, and petition the Board of Education.

The Board recognizes the Student Council as the official voice of the student body for pupils provided the constitution and bylaws of that organization have been duly approved by the pupils it represents and by the Board and provided that all pupils have equal access to their student government and an equal opportunity to vote and hold office.

The Board shall appoint a qualified teaching staff member to serve as advisor to student government activities.

The Board directs that decisions made and actions duly taken by the official student government, in accordance with and within the scope of its constitution and bylaws, may not be voided or vetoed by any staff member.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

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Series 5000

Search & Seizure

Policy 5145.12 [M]

Date Adopted: December 12, 2007	Date Revised:	Page 1 of 1
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Date Reviewed:

School lockers remain the property of the district even when used by pupils. 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. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil'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 pupil 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 rumor that contraband is present. The extent or scope of the search shall be reasonable related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the Building Principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils 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. When law enforcement officials conduct the search, then more stringent grounds required by law must be applied.

Legal References

- NJSA 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
18A:11-1 General mandatory powers and duties
18A:36-19.2 Student lockers or other storage facility; inspection; notice to students
18A:37-6.1 Strip and body cavity searches prohibited
- NJAC 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons and Safety
State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., 469 U.S. 325, 53 (1985)
Vernonia School District v. Acton et ux., Guardians ad litem for Acton, US115 S.Ct. 238
Joye v. Hunterdon Central Regional High School Board of Education, Superior Court of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)
Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. (2002)
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
A Uniform State Memorandum of Agreement Between Education and Law Enforcement

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District Policy Manual 2**

Students

Series 5000

Equal Educational Opportunity

Policy 5145.4 [M]

Date Adopted: December 12, 2007 | Date Revised: May 29, 2014

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Date Reviewed:

The district shall provide an equal opportunity for all enrolled children to achieve their maximum potential through the programs offered in these schools regardless of race, color, creed, religion, sex, sexual orientation, marital status, liability for service in the Armed Forces of the United States, ancestry, national origin, place of residence within the district, social or economic condition or educational or physical disability. Enforcement of other district affirmative action policies (2224 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with pupils at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each pupil as an individual and to accord each pupil the rights and respect that is due him/her.

Staff members shall promote a learning environment that encourages fulfillment of each pupil's potential in regard to his/her program, consistent with the district goals and with optimal opportunities for pupils. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all pupils;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of pupils;
- D. Treating all pupils with consistent fairness.

The Board of Education guarantees to all pupils equal access to all academic programs within the learning environment.

Pupils shall respect the rights of other pupils to receive an education in an environment that is conducive to learning and personal growth. No pupils shall have the right to abridge another pupil's right to privacy or right to hold personal beliefs that are different from those of the mainstream.

Harassment

The district's affirmative action program is part of each academic program regarding all pupils. No one – including pupils, 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 grounds prohibited by law.

Harassment is defined as a repeated pattern of unprovoked aggressive behaviors of a physical and/or psychological nature carried out by individual or a group against an individual or group with the effect of causing harm or hurt. Harassing behaviors are all those behaviors that are unwelcome, unwanted and uncomfortable in the view of the recipient. They all have the effect of creating a hostile environment.

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Policy 5145.4

Harassment may be claimed by a third party. That is, individual 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.

Sexual Harassment

Particularly, the Board of Education shall maintain an academic environment that is free from sexual harassment.

Sexual harassment shall consist of unwanted and unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct or communication of a sexual nature when made by any staff member to a pupil, by any pupil to another pupil, or by any pupil to a staff member when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a pupil's evaluation, promotion, opportunities, privileges and other benefits of education;
- B. Submission to or rejection of such conduct by a pupil is used as a basis for decisions affecting the pupil;
- C. Such conduct has the purpose or effect of interfering with a pupil's academic performance or creating an intimidating or hostile educational environment.

The Administration will inform all pupils that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupil's standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Any member of the student body may file a formal grievance related to sexual harassment. The Affirmative Action Officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status, not affect future grades and/or class assignments.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

Procedures shall be made available for pupils 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 and/or Superintendent of Schools.

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Policy 5145.4

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Service Animals

In accordance with the provisions of P: 2011, C. 156, S.2, 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, **including, but not limited to school buildings, classrooms, on school buses, and on school grounds.**

The administration may inquire as to whether the service animal is required due to a disability and what task or work the service animal has been trained to perform, unless the student's disability and the work or task that the service animal will perform are readily apparent. Administrators may require certification from a veterinarian that the service animal is properly vaccinated and does not have a contagious disease that may harm students or as well as documentation that any license required by the municipality in which the student resides has been obtained for the service animal.

All such service animals shall conform to the provisions of Board Policy 5145.45 – Service Animals.

Violations of this policy shall or its related procedures shall be cause for disciplinary action.

Implementation

The Superintendent of Schools 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 Superintendent of Schools shall ensure that, annually, all staff and pupils (in means and terms that are age-appropriate) be thoroughly informed of this policy, their rights to file grievances under this policy and the law and procedures relative to filing. Further, all staff and pupils shall be informed annually of the identity of the district's Affirmative Action Officer and how he/she may be contacted.

The Superintendent of Schools shall also ensure that staff and pupils participate in educational programs relating to this policy and the maintenance of an educational environment.

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Legal References

NJSA 2C:16-1 Bias Intimidation
10:5-1 et seq. Law Against Discrimination
18A:36-20 Discrimination; prohibition

18A:38-5.1 No child to be excluded from school because of race, etc.

NJAC 6A:7-1.1 et seq. Managing for Equality and Equity in Education
6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities
6A:17-1.1 et seq. Students At-Risk of Not Receiving a Public Education
6A:30-1.1 et seq. Evaluation of the Performance of School Districts
6A:32-12.1 Reporting requirements
6A:32-14.1 Review of mandated programs and services

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)
Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)
No Child Left Behind Act of 2001, Pub. L. 107-110, 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.
Comprehensive Equity Plan, New Jersey State Department of Education
New Jersey Quality Single Accountability Continuum (NJQSAC)

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Photographs of Pupils

Policy 5145.5

Date Adopted: December 12, 2007

Date Revised:

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Date Reviewed:

Taking pictures of district pupils and buildings for commercial purposes is prohibited without written approval of the Superintendent of Schools.

“Commercial purposes” in this context is defined to mean for sale or for use in connection with the advertisement or promotion of goods or services.

“School pupils” in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.

Pictures of children with educational disabilities shall not be disseminated in any way unless written permission is granted by parents/guardians. Photos of children placed in the district by the New Jersey Division of Child Protection & Permanency (DCP&P) shall not be published without permission of the division caseworker.

Photographs on the District Web Site

Pictures of district pupils shall not be posted on the web site, except under the following conditions:

- A. Prior written permission has been obtained from the pupil’s parent/guardian or from the adult pupil;
- B. Group photographs may identify the group, but not the individuals in the group;
- C. Prior written permission has been obtained from the pupil’s parent/guardian or from the adult pupil, if the pupil is receiving an award or special recognition.

Legal References

NJSA 18A:11-1 General mandatory powers and duties
18A:36-35 Disclosure of certain student information on internet prohibited without parental consent

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Pupil Grievance Procedure

Policy 5145.6

Date Adopted: April 18, 1983

Date Revised: December 12, 2007

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Date Reviewed:

The district shall establish procedures for the consideration of pupil problems and for the processing of their complaints and appeals. These procedures should be developed through the

cooperative efforts of pupils, faculty and administrators. The Superintendent of Schools shall establish and maintain procedures for appeals beyond the decision of the Superintendent of Schools. Details of those procedures should be made known to pupils and staff by inclusion in the district pupil handbook, and pupils who wish to use them should be assured of access to the appropriate personnel within a reasonable period of time.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

NJAC 6A:16-7.1 Code of student conduct

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District Policy Manual 4**

Students

Series 5000

BEST (Brick Extended School Time) Program

Policy 5147.1

Date Adopted: June 12, 2012

Date Revised:

Page 1 of 1

Date Reviewed:

The Brick Extended School Time (BEST) Program, operated within the Brick Township School District, runs the district's Before/After School Care Program. Headed by a Coordinator, with the help of many qualified, talented, dedicated, and driven staff members, the programs of BEST are designed to create an engaging environment for the children of Brick Township. Rooted in the spirit that every child is unique, each program offered promotes individuality, values, and a lifelong process of learning.

The BEST/Kindergarten with fee schedules and general rules will be approved annually by the Board of Education.

Legal References

NJSA 18A:11-1 General mandatory powers and duties

NJAC 6A:16-7.1 Code of student conduct