

**Policy**

ACCOUNTABILITY

Purpose

The purpose of the Elizabeth Public Schools (EPS) Accountability System is to support increased expectations so that all students at all schools receive the instruction and support needed to be prepared for a wide range of post-secondary opportunities. The Elizabeth Board of Education sets forth in policy its belief that Elizabeth Public Schools must put into place an accountability system that holds people responsible for meeting standards, changing behavior, and delivering excellent results. The accountability policy will support increased expectations for the system and its schools so that the Board's Core Commitment Number One and the District's "Hedgehog Concept"<sup>1</sup> of preparing every student for post-secondary education can be met. This policy will align employee incentives with the interests of children and taxpayers to improve student achievement and district performance in all areas. For the Elizabeth Public Schools to reach high standards of excellence in its core business – teaching and learning – and in all operations of the district, standards must be established and performance measured. Furthermore, there must be consequences. An additional purpose of this policy is to support the Elizabeth Public Schools' Managed Instruction theory of action.

Definition

A comprehensive district accountability policy sets performance standards for schools, principals, and teachers (and requests the Chief School Administrator to set performance standards for other functional units of the district and other district employees), measures performance against these standards, and responds to performance with positive and/or negative consequences. The premise is simple. What gets measured gets done. Districts should measure what they value. Accountability systems do not exist merely to provide information on district performance. They exist to change behavior resulting in an improvement of the quality of education for all of our students.

Why Elizabeth Public Schools Needs an Accountability System

The state accountability system and federal law have spurred improvement in the Elizabeth Public Schools. However, we believe that the goals and targets of these external accountability systems are too limited. Furthermore, they do not meet the Elizabeth Public Schools district's unique needs. Accordingly, the new Elizabeth Public Schools Accountability System is based on and aligned with the state system and federal law, but goes beyond, setting more ambitious and far-reaching goals.

<sup>1</sup>"A *Hedgehog Concept* is a simple, crystalline concept that flows from deep understanding about the intersection of the following three circles: 1- What you can be the best in the world at . . . 2- What drives your economic engine . . . 3- What you are deeply passionate about . . ." Jim Collins, *Good to Great* (New York: HarperCollins Publishers, Inc., 2001), pp. 95 - 96

The Elizabeth Board of Education has adopted a Managed Instruction theory of action, which requires the Elizabeth Public Schools to create a comprehensive instructional management system. The essential elements of the theory of action are:

- A comprehensive and aligned District curriculum;
- A workforce of effective instructional leaders and teachers;
- A comprehensive professional development system that centers on the curriculum and its effective implementation, with the support of instructional coaches;
- Formative and summative assessments that are used to collect and disaggregate data to drive continuous improvement;
- A comprehensive student information system;
- Carefully calibrated and appropriate interventions by child, by teacher, by subject, and by school; and
- An accountability system that holds people accountable.

The accountability system for schools and other functional units, will identify important performance indicators, collect and distribute performance data, and apply predetermined consequences (rankings, rewards, sanctions, and/or interventions) for achieving predefined outcomes.

### Accountability Principles

The Elizabeth Public Schools Accountability System is based on the following principles:

- A transparent district-wide accountability process that applies to all schools and focuses and motivates unit and individual behaviors to align with system beliefs, commitments, and goals.
- A systematic and rigorous system for all schools and a system to recognize schools that continue to raise the performance of all students.
- A system that establishes annual expectations for school progress and monitors performance to ensure that each school is responsible and accountable for the performance of all students as well as the performance of student subgroups.
- A system that has student achievement as its dominant measure of school performance, but that also takes into account other metrics. Multiple metrics are required to measure performance fairly.
- A system with clearly communicated and consistently applied criteria for rewards, sanctions, and interventions that is as simple, clear, and easily understood as possible.

- The evaluation of the District’s progress toward accomplishing the Board’s vision as outlined in the District’s Strategic Plan.
- A system that informs the community about the District’s progress.
- A system that measures changes in performance over time as well as performance levels.
- A system with metrics that are limited in number, and carefully balanced and weighted.
- A system that holds all functional units of the District accountable for performance.
- A system that values positive consequences as more effective than negative consequences, though both have their place.
- A system that is designed for robust integrity to discourage gaming of the system.
- A simple system that promotes excellence.

Overview of School Accountability System

At the beginning of each school year, every K-12 school in the district will be given a rating of **Five Stars, Four Stars, Three Stars, Two Stars, One Star, or No Star** based on student achievement performance on District and State Summative Assessments, and Annual Measurable Outcomes (AMOs) as defined below:

**K-12 School Ratings**

<b>% Proficient</b>	<b>Annual Performance Ratings</b>	
Overall student achievement on all District and State summative assessments	Met AMO	Did Not Meet AMO
100 – 95.0		
94.9 – 90.0		
89.9 – 80.0		
79.9 – 70.0		
69.9 – 60.0		No Star
59.9 and below	No Star	No Star

**K-12 School Ratings: Description, Rewards, Sanctions, and Interventions**

Ratings	Description	Rewards <sup>2</sup>	Sanctions and Interventions	
			Met AMO	Did Not Meet AMO <sup>3</sup>
	Exceeds all levels of performance. This is a superior school that achieves excellence and is considered amongst America’s finest schools.	Yes	No	Yes
	Performs at a high level academically in an environment that breeds excellence. It is considered amongst New Jersey’s best schools.	Yes	No	Yes
	A well performing school. It needs to strive for higher academic achievement as it works to include everyone in the culture of excellence.	Yes	No	Yes
	A moderately performing school that requires a laser-like focus on teaching and learning in an effort to yield sustained improvements in academic performance.	No	Yes	Yes
	An underperforming school that requires intense intervention for students, team members and learning community.	No	Yes	Yes
No Star	A low performing school on academic watch that requires aggressive attention, sanctions, and interventions for everyone in the learning community.	No	Yes	Yes

<sup>2</sup> Schools that meet annual AMO will receive an AMO recognition determined by the Chief School Administrator.

<sup>3</sup> Schools that do not meet AMO are subject to sanctions and/or interventions determined by State and Federal rules and regulations.

In addition, at the beginning of each school year, every Early Childhood (EC) Program in the district will be given a rating of **Five Stars, Four Stars, Three Stars, Two Stars, One Star, or No Star** based on the **Classroom Assessment Scoring System (CLASS), Supports for Early Literacy Assessment (SELA), and Preschool Classroom Mathematics Inventory (PCMI)** assessments:

**Early Childhood Program Ratings**

% of Early Childhood Program Composite Score on CLASS, SELA and PCMI	Annual Performance Ratings
100 – 95.0	
94.9 – 90.0	
89.9 – 80.0	
79.9 – 70.0	
69.9 – 60.0	
59.9 and below	No Star

**PreK Program Ratings: Description, Rewards, Sanctions, and Interventions**

Ratings	Description	Rewards	Sanctions/ Interventions
	Exceeds all levels of performance. This is a superior Early Childhood Program that achieves excellence and is considered amongst America’s finest.	Yes	No
	An Early Childhood Program that performs at a high level in an environment that breeds excellence. It is considered amongst New Jersey’s best programs.	Yes	No
	A well performing Early Childhood Program. It needs to strive for higher levels of achievement as it works to include everyone in the culture of excellence.	Yes	No
	A moderately performing Early Childhood Program that requires a laser-like focus on teaching and learning in an effort to yield sustained improvements in performance.	No	Yes
	An underperforming Early Childhood Program that requires intense intervention for the team members and learning community.	No	Yes
No Star	A low performing Early Childhood Program on watch that requires aggressive attention, sanctions, and interventions for everyone in the learning community.	No	Yes

**Rewards PreK-12**

Ratings	Description
	<p>A 5-star school and/or Early Childhood program may be recognized or rewarded with one or more of the following: a letter from the Superintendent, mention in Excellence News, a banner for school building, recognition at a Board Meeting with Resolution and plaque, and/or greater authority and flexibility to enhance the district’s core curriculum.</p>
	<p>A 4-star school and/or Early Childhood program may be recognized or rewarded with one or more of the following: a letter from the Superintendent, mention in Excellence News, a banner for school building, and/or recognition at a Board Meeting with Resolution and plaque.</p>
	<p>A 3-star school and/or Early Childhood program may be recognized or rewarded with one or more of the following: a letter from the Superintendent, mention in Excellence News, a banner for school building, and/or recognition at a Board Meeting with Resolution and plaque.</p>
	<p>A 2-star school and/or Early Childhood program may be recognized or rewarded with a banner for school building.</p>
	<p>A 1-star school and/or Early Childhood program may be recognized or rewarded with a banner for school building.</p>
<p>No Star</p>	<p>None</p>

**Sanctions/Interventions PreK-12**

Ratings	Sanctions	Interventions
	None	None
	None	None
	None	None
	<ul style="list-style-type: none"> <li>Public notice of deficiency</li> <li>Intervention team to oversee operations of the school</li> </ul>	<ul style="list-style-type: none"> <li>Technical assistance targeted to needs of school</li> <li>Develop/employ capacity-building strategies based on needs of school</li> <li>Interventions for individual teachers and/ or administrators</li> <li>Targeted class size reduction</li> </ul>
	<ul style="list-style-type: none"> <li>Public notice of deficiency</li> <li>Reorganization of school</li> <li>Intervention team to oversee operations of the school</li> </ul>	<ul style="list-style-type: none"> <li>Audit/school review</li> <li>Technical assistance targeted to needs of school</li> <li>Develop/employ capacity-building strategies based on needs of school</li> <li>Reallocation of resources</li> <li>Interventions for individual teachers and/ or administrators</li> <li>Targeted class size reduction</li> </ul>
No Star	<ul style="list-style-type: none"> <li>Public notice of deficiency</li> <li>Reorganization of school</li> <li>Closure of school</li> <li>Intervention team to oversee operations of the school</li> </ul>	<ul style="list-style-type: none"> <li>Audit/school review</li> <li>Technical assistance targeted to needs of school</li> <li>Develop/employ capacity-building strategies based on needs of school</li> <li>Reallocation of resources</li> <li>Interventions for individual teachers and/ or administrators</li> </ul>

**AMO Recognition**

Ratings	Description
Met AMO	Recognition at Board Meeting and AMO Banner
Did Not Meet AMO	Status, sanctions and/or interventions determined by State and Federal rules and regulations

School Rankings:

Schools and Early Childhood Programs are ranked annually using District and State Summative Assessment data from best to least performing. In addition, the ranking will include comparisons with District, State, and Peer School Comparisons. The Top Ten schools will be recognized and rewarded. The Chief School Administrator will determine the system for recognition and rewards.

Keys to Excellence Recognition System

Gold, Silver and Bronze Keys:

The Elizabeth Board of Education believes that creating a high performing district culture based on high expectations will lead to high student achievement. As such, the Board will recognize important elements that contribute positively to the District’s culture, which includes but is not limited to, Student Attendance, College Enrollment, Rigorous Curriculum. The Chief School Administrator will determine the systems for recognition and awards.

In addition, the Board directs the Chief School Administrator to develop a system for annually designating schools as “safe and clean” and for assessing parent/guardian satisfaction.

Student Attendance

All schools eligible based on Average Daily Attendance (ADA)

<b>% ADA</b>	<b>Designation</b>	<b>Recognition/Reward</b>	<b>Intervention/Sanction</b>
100 – 96.0	Gold Key	Engraved Gold Key	None
95.99 – 95.0	Silver Key	Engraved Silver Key	None
94.99 – 93.0	Bronze Key	Engraved Bronze Key	None
92.99 – 90.0	None	None	Corrective Action Plan
Below 90.0	Corrective action required pursuant to <u>N.J.A.C. 6A:32-13.1</u>	None	Written reprimand and Corrective Action Plan required

College Bound Culture

All high schools eligible based on percentage of seniors who were accepted to a 2 or 4 year college/university

% Accepted	Designation	Recognition/Reward	Intervention/Sanction
100 – 90.0	Gold Key	Engraved Gold Key	None
89.9 – 80.0	Silver Key	Engraved Silver Key	None
79.9 – 70.0	Bronze Key	Engraved Bronze Key	None
Below 70.0	None	None	Corrective Action Plan required

Rigorous Curriculum Culture I

All high schools eligible based on the percentage of students in grades 10 through 12 taking at least one Advanced Placement (AP) examination:

%	Designation	Recognition/Reward	Intervention/Sanction
100 – 90.0	Gold Key	Engraved Gold Key	None
89.9 – 80.0	Silver Key	Engraved Silver Key	None
79.9 – 70.0	Bronze Key	Engraved Bronze Key	None
Below 70.0	None	None	Corrective Action Plan required

Rigorous Curriculum Culture II

All high schools eligible based on the average score on all Advanced Placement (AP) examinations:

Score	Designation	Recognition/Reward	Intervention/Sanction
5.0 – 4.0	Gold Key	Engraved Gold Key	None
3.9 – 3.1	Silver Key	Engraved Silver Key	None
3.0	Bronze Key	Engraved Bronze Key	None
Below 3.0	None	None	Corrective Action Plan required

Functional Unit Accountability

Operations are the Chief School Administrator's responsibility, and he/she is held accountable for performance. It is the Board's intent that all management units be held accountable for performance according to performance measures appropriate to the work. Establishing accountability systems in operations is the Chief School Administrator's responsibility. The Board exercises its oversight of operations by reviewing systems, metrics and performance through its Management Oversight system of workshops and reports.

Given this, the Board directs the Chief School Administrator to develop a system for functional unit accountability. Specifically, built on assessments of customer (internal and external) satisfaction and process analysis (using, at minimum, standard quality tools), each unit should develop, for approval by its supervisor, performance measures. A typical family of measures might include measures of productivity, quality, timeliness, cleanliness, safety, and customer satisfaction.

Measures of functional unit performance will be used to evaluate the unit and be rolled up into measures of major system performance.

There will be appropriate positive (or negative) consequences for high (or low) unit performance.

Though functional unit accountability is the responsibility of the Chief School Administrator, the Chief School Administrator will annually report to the Board on the structure and effectiveness of the functional unit Accountability System.

Implementation

The Board directs the Chief School Administrator to create an *Elizabeth Public Schools Accountability Bulletin* that fully describes this policy, the management structure and systems required to effectuate it, and the timelines, practices, and procedures by which it will be operated. This *Bulletin* will be a comprehensive and fully sufficient document for all involved in implementing or seeking to understand the accountability policy.

The Board also directs the Chief School Administrator to create an effective communication plan for educating employees, students, parents, community leaders, and the community regarding the main features, purposes, and major operational principles of the Elizabeth Public Schools Accountability System.

The Chief School Administrator will determine a suitable method for having school performance ratings prominently displayed on campuses. The Chief School Administrator will also provide for the wide dissemination of school performance ratings in the media, in district publications, and through other communication channels. Also, the Chief School Administrator will use appropriate methods to recognize high performing schools and school leaders.

The Chief School Administrator will report annually on implementation steps, milestones and major issues related to the operation of the Accountability System.

Evaluation

After two years, and annually thereafter, the Chief School Administrator will provide the Board with an evaluation of the effectiveness of the Accountability System, which will include an analysis of school performance for the five years before the establishment of the Accountability System, as if it had been in place, and actual school performance for each year following full implementation. This will enable the Board to evaluate whether or not the Accountability System is contributing to increased percentages of district schools rated as Five Star schools.

<b>Date:</b>	May 6, 2010
<b>First Reading:</b>	April 29, 2010
<b>Second Reading:</b>	May 6, 2010
<b>Revised:</b>	March 15, 2012
<b>First Reading:</b>	February 16, 2012
<b>Second Reading:</b>	March 15, 2012
<b>Revised:</b>	March 21, 2013
<b>First Reading:</b>	February 21, 2013
<b>Second Reading:</b>	March 21, 2013
<b>Revised:</b>	<b>December 23, 2013</b>
<b>First Reading:</b>	November 21, 2013
<b>Second Reading:</b>	December 23, 2013
NJSBA Review/Update:	December 2018
<b>Readopted:</b>	June 13, 2019

Cross References:	1311	Data Dashboard
	6000a/6010a	Theory of Action: Managed Instruction
	9305	Vision, Mission, Core Beliefs and Commitments

**THEORY OF ACTION: MANAGED INSTRUCTION**

**Preamble**

We, the Elizabeth Board of Education, do hereby set forth in this document our theory of action to effectuate the commitments in our statement of Core Beliefs, namely, to create a high performing school district that educates all children to high standards and eliminates the achievement gap. This theory of action will provide a framework to drive forward and align goals, strategic plans, policies, budgets, and administrative actions. Over time, we believe it will transform the culture of Elizabeth Public Schools.

Our theory of action builds on our beliefs about how children learn, the conditions that best promote learning, and the policies, management systems, and culture that best promote the commitment and high performance of adults. It also rests on our knowledge of the history and current state of urban education in the United States and the unique circumstances in Elizabeth Public Schools and the communities it serves. Finally, our theory of action springs from our commitment to American democracy and our beliefs about how democratic institutions should interact with and serve the people who own them.

**Managed Instruction**

Our theory of action is managed instruction. Managed instruction is a comprehensive theory of action that embraces many partial theories of action, including adequate resources, effective management, small learning communities, highly qualified teachers, pre-Kindergarten, and more. At its heart is our belief that Elizabeth Public Schools must be re-designed to *directly* manage its core business, teaching and learning, in the most effective way possible.

In accordance with our theory of action, Elizabeth Public Schools must create a comprehensive instructional management system. This begins with content standards, performance standards, assessments, and consequences, which are provided by the state accountability system in alignment with federal law. Building on this foundation, the essential elements of managed instruction are a comprehensive and aligned district curriculum, professional development around the curriculum, a comprehensive student information system, formative and summative assessments, and carefully calibrated and appropriate interventions by child, by teacher, by subject, and by school. All other district systems-budget, financial management, human resources management, etc.-must be aligned to support the instructional management system. And using the best change management techniques, district leadership needs to build a new district culture that embraces managed instruction.

We, Elizabeth Board of Education, wish to clarify our intent by expanding on this brief description of managed instruction.

- Elizabeth Public Schools must have a district curriculum that covers preschool, every subject for every grade in elementary school and every course in middle and high school. The curriculum must be coherent, aligned, and detailed down to individual lesson plans, teaching materials, and sample assessments, all of which must be available to teachers for easy and timely access.
- To teach this curriculum, Elizabeth Public Schools must maintain a workforce of effective instructional leaders and teachers. Human resource policies, structures, and practices must support this objective.
- Elizabeth Public Schools must put into place a comprehensive professional development system that centers on the curriculum and effective ways to teach it, based on the best evidence-based research. This system may include curriculum coaches in the schools, daily monitoring (including observation) of teaching, and just-in-time professional development to support teachers in the classroom.
- Periodic formative and summative assessments of student achievement must be conducted, and the results must be disaggregated by classroom, subject, ethnicity, gender, poverty level, teacher, or in any other way useful to drive continuous improvement.
- This will require the establishment of a comprehensive student information system.
- Interventions by child, by teacher, by subject, and by school must be carefully calibrated, appropriate, and timely.
- Elizabeth Public Schools must put into place an accountability system that holds people responsible for meeting standards, changing behavior, and delivering excellent results. The accountability system, for schools and other functional units, must identify important performance indicators, measure performance using these indicators, collect and distribute performance data, and apply predetermined consequences (rankings, rewards, sanctions, and/or interventions) for achieving predefined outcomes.

To further clarify our intent, we wish to make clear that managed instruction is not necessarily managed pedagogy. Our intention is that teachers be given maximum freedom to teach according to their teaching style and best professional judgment, consistent with high levels of student mastery of the district curriculum. Consistent with this intent, management will, as needed, prescribe required professional development, monitor, assess, issue directives regarding professional practice, and intervene.

### **Change Management**

The Chief School Administrator is responsible for designing and managing the instructional management system. Pursuant to this, we expect the Chief School Administrator to bring forward policy recommendations and budget proposals for board consideration. Significant district redesign may be necessary to align all district systems with the instructional management systems. We welcome recommendations from the superintendent to effectuate this redesign.

Establishing and operating an effective instructional management system is not simply making the current system work better. It is a fundamental change from a loosely coupled to a tightly integrated instructional system. The roles and responsibilities of nearly every adult and nearly every process related to instruction will need to change. Teachers, administrators, parents, and community leaders must understand and support managed instruction. Accordingly, effective change management leadership by the superintendent, supported by a comprehensive internal and external communication system, will be required.

It is the intention of the Elizabeth Board of Education that managed instruction as a theory of action for change provides a stable, long-term framework for improving student achievement in Elizabeth Public Schools. However, we recognize that from time to time, based on research and experience, this theory of action will need to be revised. While we welcome opportunities to continuously improve our theory of action, we are committed to managed instruction as a broad path for improving student achievement. We pledge our best efforts to educate the workforce and the public and mentor new board members so that subsequent boards will hold constant to this vision.

<b>Date:</b>	November 13, 1986
<b>Revised:</b>	June 29, 2006
<b>Revised:</b>	<b>March 19, 2009</b>
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NJSBA Review/Update:	December 2018
<b>Readopted:</b>	June 13, 2019

GOALS AND OBJECTIVES

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

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

A. All children should start school ready to learn:

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

B. The district shall strive to achieve the maximum score during state monitoring (NJQSAC) for high school graduation to be at least 95 percent:

1. The chief school administrator shall oversee the development of strategies for improving the graduation rate when necessary and appropriate;
2. The district shall educate students with disabilities in the regular education programs to the maximum extent possible;
3. The district shall provide least restrictive, alternative programs for students who cannot succeed in the regular high school environment, including those students with disabilities;
4. The district shall provide dropout prevention programs for students at risk.

C. Students shall leave grades three through eight and 11 having demonstrated competency in challenging subject matter including English language arts; mathematics; science; social studies; visual and performing arts; comprehensive health and physical education; world languages; technology; and 21st Century Life and Career Standards:

1. The district shall implement the state-approved New Jersey Student Learning Standards and appropriate assessments to support student achievement and to evaluate school, district and individual student performance;
2. The district shall provide staff development opportunities to ensure that teachers are adequately equipped to teach challenging and up-to-date subject matter and to implement effective teaching techniques. It shall monitor teaching staff members progress toward achievement of the required 20 hours of continuing education annually to ensure that they are

GOALS AND OBJECTIVES (continued)

obtaining and maintaining the skills to help all students achieve the New Jersey Student Learning Standards.

- D. Students shall learn to use their minds well, so that they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy:
1. Students shall be given the opportunity to improve self-direction and self-sufficiency in the areas of critical thinking, problem solving, reasoning, analysis, interpretation, and synthesizing information;
  2. Students shall become responsible digital citizens of the global internet community with ethical, safe and responsible habits, actions, and consumption patterns;
  3. All students shall demonstrate competency in the skills identified in the 21<sup>st</sup> Century Life and Careers Standards;
  4. All students shall demonstrate respect for racial, cultural, ethnic and religious diversity.
- E. All students shall increase their achievement levels in science and mathematics to contribute to our country's ability to compete academically with all other countries of the world:
1. The district shall revise its curriculum offerings in science and mathematics according to state standards;
  2. The district shall provide staff training in the teaching of mathematics and science at grades K-8 to increase teachers' understanding of and ability to teach these subjects.
- F. The board of education shall maintain an academic environment that is free from harassment and provide equal and bias free access for all students to all school facilities, courses, programs activities and services, regardless of race, creed, color, national origin, ancestry, age marital status, affectional or sexual orientation, gender identity or expression, religion, disability, nationality or socioeconomic status. The district shall:
1. Provide schools and facilities that are barrier free;
  2. Provide effective programs that support a safe and respectful school climate and culture and provide effective prevention of and intervention for incidents of harassment, intimidation and bullying;
  3. Ensure that the requirements for the completion of courses are nondiscriminatory;
  4. Ensure that courses are not offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, pregnancy, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
  5. Ensure that minority, female, and male students are not underrepresented in all classes and programs, including gifted and talented, accelerated, and advanced classes.
- G. Every adult shall be literate and possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship:
1. Adult education programs shall be increased in conjunction with other local districts, community colleges and other educational agencies, to provide greater opportunities for

GOALS AND OBJECTIVES (continued)

adults to continue learning for work skills, leisure pursuits, intellectual and cultural growth and to assist their children in learning;

2. Business and industry shall be encouraged to collaborate with educational agencies to design and increase access to educational programs for adults, such as flex time, distance learning and interactive technology.

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

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

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

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

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Second Reading:	June 25, 2009
Revised:	June 30, 2011
First Reading:	June 9, 2011
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<b>Readopted:</b>	<b>June 13, 2019</b>

GOALS AND OBJECTIVES (continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:7A-10	NJQSAC for evaluating school performance
	<u>N.J.S.A.</u> 18A:7C-2	Boards of education; establishment of standards
	<u>N.J.S.A.</u> 18A:7F-43	<u>Comprehensive Education Improvement and Financing Act</u>
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and Courses
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:8-1.2	
	through -1.3, -2.1, -3.1,-4.4	
	<u>N.J.A.C.</u> 6A:9C-2.1 <u>et seq.</u>	Professional development for teaching staff member and school leader
	<u>N.J.A.C.</u> 6A:23A-1.1 <u>et seq.</u>	Fiscal accountability, efficiency and budgeting procedures
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:23A-22.1 <u>et seq.</u>	
	<u>N.J.A.C.</u> 6A:26-1.1 <u>et seq.</u>	Educational Facilities
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.</u>	

**Possible**

<b><u>Cross References:</u></b>	*1100	Communicating with the public
	*1120	Board of education meetings
	*1230	School-connected organizations
	*1600	Relations between other entities and the district
	*2131	Chief school administrator
	*2240	Research, evaluation and planning
	*3542	Food service
	4010	Goals and objectives
	*4111	Recruitment, selection and hiring
	*4116	Evaluation
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211	Recruitment, selection and hiring
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5113	Absences and excuses
	*5120	Assessment of individual needs
	*5124	Reporting to parents/guardians
	6000	Concepts and roles in instruction
	6011	Thorough and efficient/QEA
	*6140	Curriculum adoption
	*6141	Curriculum design/development
	*6142	Subject fields
	*6145	Extracurricular activities
	*6147	Standards of proficiency
	6152	Grouping

GOALS AND OBJECTIVES (continued)

- \*6156 Instructional planning/scheduling
- \*6160 Instructional services and resources
- \*6162.4 Community resources
- \*6164.2 Guidance services
- \*6164.4 Child study team
- \*6171.1 Remedial instruction
- \*6171.2 Gifted and talented
- \*6171.4 Special education
- \*6300 Evaluation of the instructional program

**Policy**

SCHOOL CALENDAR

The Elizabeth Board of Education recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the district.

The board shall determine annually the days when the schools shall be in session for instructional purposes. Such school calendar shall consist of no fewer than the 180 days of instruction required by law.

When an interruption in educational programming causes a disabled student's performance to revert to a lower level of functioning that cannot be recouped within a reasonable length of time, an extended school year shall be provided in accordance with the student's IEP. In any case, the school year shall be at least as long for students with disabilities as for nondisabled students.

The chief school administrator shall prepare the school calendar for board consideration in consultation with teacher and administrator association representatives and the Executive County Superintendent. The board reserves the right to alter the school calendar when feasible and advisable in the best interests of the children of the district.

The board shall adopt annually a list of religious holidays that shall consist as a minimum of those holidays designated by the commissioner of education. Student absences shall be excused for observance of board approved religious holidays (see policy 5113 Attendance, Absences and Excuses).

Date: November 13, 1986  
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**Legal References:** N.J.S.A. 18A:7F-9 Aid to school districts conditioned on compliance with rules and standards for equalization of opportunity; aid withheld for noncompliance  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:25-3 Teaching, etc., on holidays not required  
N.J.S.A. 18A:36-1 School year  
N.J.S.A. 18A:36-2 Time when schools are open; determination  
N.J.A.C. 6A:14-4.1(c) General requirements  
N.J.A.C. 6A:32-8.3 School attendance

SCHOOL CALENDAR (continued)

Piscataway Twp. Ed. Ass'n v. Piscataway Township BOE, App. Div. opinion, Dkt. No. A-7215-95T2, January 24, 1998

**Possible**

- Cross References:**
- \*2210 Administrative leeway in absence of board policy
  - \*5113 Absences and excuses
  - \*5127 Commencement activities
  - \*6112 School day
  - \*6114 Emergencies and disaster preparedness
  - \*6146 Graduation requirements
  - \*6171.4 Special education

SCHOOL DAY

The length of the school day and the length of periods of instruction at various levels shall be recommended by the chief school administrator and set by the board, and shall be in keeping with requirements of the State Board of Education.

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

The chief school administrator shall recommend for board approval the length of class periods and the frequency of instruction in individual subjects.

School administrators shall not dismiss school for any part of the school day without the approval of the chief school administrator.

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

**Possible**

**Cross References:** \*2210 Administrative leeway in absence of board policy  
\*5113 Absences and excuses  
\*5124 Reporting to parents/guardians  
\*6111 School calendar  
\*6114 Emergencies and disaster preparedness  
\*6141.2 Recognition of religious beliefs and customs  
\*6146 Graduation requirements  
\*6171.4 Special education

**Policy**

EMERGENCIES AND DISASTER PREPAREDNESS

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

Plans and procedures shall include these elements:

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

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

School Safety and Security Plan

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

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

EMERGENCIES AND DISASTER PREPAREDNESS (continued)

D. Support services for staff, students and their families;

E The development of protocols for communicating the individual needs of each student with a disability with respect to fire drills and school security plans.

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

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

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

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

Fire Drills and School Security Drills

Fire drills shall be held at least once each month for all students. The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes. Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. Outdoor assembly areas shall be designated and shall be located a safe distance from the building being evacuated to avoid interference with the fire department operations. The assembly areas shall be arranged to keep each class separate to provide accountability of all individuals.

Regular courses of instruction in accident prevention and fire prevention shall be given and shall be adapted to the understanding of the several grades and classes in the schools.

There shall also be at least one school security drill per month. This includes any summer months during which the school is open for instructional programs. A school security drill shall be conducted within the first 15 days of the beginning of the school year. A law enforcement officer shall be present at a minimum of one school security drill each school year in order to make recommendations on any improvements or changes to school security drill procedures that the officer may deem advisable.

EMERGENCIES AND DISASTER PREPAREDNESS (continued)

A "school security drill" means an exercise, other than a fire drill, to practice procedures that respond to an emergency situation including, but not limited to, a bomb threat, non-fire evacuation, lockdown, or active shooter situation and that is similar in duration to a fire drill.

The building principal shall provide emergency responders with a friendly notification at least 48 hours prior to holding a security drill.

All full-time employees shall receive training on school safety and security that includes instruction on school security drills. Training shall also address the unique needs of students with disabilities and ensure full-time employees are aware of anticipated supports for those students during a safety and security event, including mobility, medical, social, communication, or other needs provided under the students' individualized education plans, individualized health care plans and/or 504 plan(s).

New staff members shall receive this training within 60 days of the commencement of that staff member's employment. The annual training provided to employees shall be conducted collaboratively by the district and emergency responders, including law enforcement, fire, and emergency medical services personnel, in order to identify weaknesses in school safety and security policies and procedures and to increase the effectiveness of emergency responders.

Required Drills

A. The district shall be required to conduct a minimum of two drills per year for each of the following drills:

1. Active shooter;
2. Evacuation (non-fire);
3. Bomb threats;
4. Lockdowns.

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

Reporting

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

Records

Information on a student's unique mobility, sensory, medical, social, communication, emotional, regulatory, and decision-making needs in the event of a fire drill, school security drill, or actual emergency shall be maintained in the student record. Such a record shall indicate whether the student is able to safely and fully participate in drills without additional supports, or if any accommodations are needed.

EMERGENCIES AND DISASTER PREPAREDNESS (continued)Emergency Closings; Delayed Openings

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

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

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Second Revision:	June 24, 2010
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Third Revision:	February 17, 2011
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Second Reading:	February 17, 2011
Revised:	March 19, 2015
First Reading:	February 26, 2015
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Revised:	November 20, 2017
First Reading:	October 19, 2017
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Revised:	<b>September 19, 2024</b>
First Reading:	August 22, 2024
Second Reading:	<b>September 19, 2024</b>

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:6-2	Instruction in accident and fire prevention
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:40-12	Closing schools during epidemic
	<u>N.J.S.A.</u> 18A:41-1 <i>et seq.</i>	Fire drills and fire protection
	<u>N.J.S.A.</u> 18A:41-7	School Safety and Security Training
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> App. A:9-64 <i>et seq.</i>	New Jersey Domestic Security Preparedness Act
	<u>N.J.A.C.</u> 6A:16-5.1 <i>et seq.</i>	School Safety and Security
	<u>N.J.A.C.</u> 6A:16-6.3	Reporting students or staff members to law enforcement agencies
	<u>N.J.A.C.</u> 6A:26-12.2	Policies and procedures for school facility operation
	<u>N.J.A.C.</u> 8:57-1.9	Reporting of diseases by health officers

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

EMERGENCIES AND DISASTER PREPAREDNESS (continued)

International Fire Code, New Jersey Edition, 2006; Section 408 Use and Occupancy-Related Requirements (see particularly: Section 408.3.1).

School Safety and Security Plans, Minimum Requirements

**Possible**

**Cross References:**

- |              |                                                                 |
|--------------|-----------------------------------------------------------------|
| *1410        | Local units                                                     |
| *2210        | Administrative leeway in absence of board policy                |
| *3541.33     | Transportation safety                                           |
| *4131/4131.1 | Staff development; in-service education/visitations/conferences |
| *4231/4231.1 | Staff development; in-service education/visitations/conferences |
| *5125        | Student Records                                                 |
| 5141.6       | Crisis intervention                                             |
| *6111        | School calendar                                                 |
| *6112        | School day                                                      |

**Regulation**

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FIRE AND BOMB THREAT PROCEDURES

Fire

1. In the event of a fire, the building will be evacuated immediately;
2. If an alarm has not already been sounded, the fire shall be reported immediately to 911 emergency services;
3. The building principal or his/her designee shall have the authority to call the fireboard and inform them of a false alarm. This action may be taken only after physically investigating the situation and determining that it is not an actual fire;
4. The chief school administrator's office must be notified immediately of a fire alarm in any district building;
5. Once the fire company arrives, the fire chief or designee shall be in charge of the situation;
6. Student attendance shall be closely monitored during the emergency to insure all students have been evacuated;
7. Constant communication between the building principal or his/her designee and fire officials will be maintained throughout the entire period that the emergency exists;
8. All staff members not having student supervision responsibilities are to provide assistance as deemed necessary;
9. The building administrator will signal an all clear and only then are students and staff permitted to re-enter the building in an orderly manner;
10. Students will be allowed to return to a facility where a fire has been reported only after it is deemed safe by appropriate officials and school administrators;
11. The building principal or designee has the authority to alter the aforementioned procedures when, in his/her professional judgment, it is in the best interest and welfare of the students.

Procedures in the Event That a Bomb Threat Occurs

If a bomb threat occurs, the following guidelines should be executed.

- A. The person receiving the call shall do the following:

FIRE AND BOMB THREAT PROCEDURES (continued)

1. Stay as calm as possible, focus, and listen to the caller;
2. Prolong the conversation. Ask when the bomb will detonate... the location of the bomb... what it looks like... who is calling... why are they doing this?
3. Complete the bomb threat checklist;
4. Check the caller ID for incoming phone number and name. Record it;
5. Inform the building principal/designee as soon as possible;
6. Person receiving call will make a written report for the building principal/designee and the State Police as soon as possible. If a written note is received, protect it for possible fingerprinting.

B. Once the building principal/designee has been notified, the following procedures will be executed:

1. The building principal/designee will contact the chief school administrator and the State Police to determine if a preliminary search is needed, or if the building should be evacuated;
2. If a building is evacuated, the building principal/designee will instruct staff to move classes to designated areas;
3. All searches will be conducted under the direction of the State Police;
4. The building principal/designee will inform the chief school administrator, security, transportation, maintenance, and grounds personnel of all measures taken;
5. If possible, the building principal/designee will inform staff of the bomb threat;
6. All students, including absentees, will be accounted for;
7. The building principal/designee will work with the State Police and other emergency personnel;
8. Radios, walkie-talkies and cell phones will not be used in the event of a threat unless cleared by the State Police;
9. Students and staff will be allowed to re-enter the building only after it is deemed safe;
10. If a bomb is found, emergency transportation will be provided to alternate locations, and the site will be cleared of students and staff until the building is deemed safe.

C. Handling the Media

1. It is paramount that all inquiries from the news media be directed to one individual appointed as spokesperson. The chief school administrator or his or her designee will act as the spokesperson. All other persons should be instructed not to discuss the situation with any outsiders;
2. Emergency numbers for fire, State Police, ambulance, and hospital must be prominently displayed in conspicuous areas of the school and offices;
3. The building principal/designee has the authority to alter the above procedures when in his/her professional judgment it is in the best interest and welfare of all parties concerned.

Date: November 13, 1986

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FIRE AND BOMB THREAT PROCEDURES (continued)

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CEREMONIES AND OBSERVANCES

The flag of the United States of America shall be raised at each schoolhouse and at other places during all school sessions and on all legal school holidays, weather permitting. The flag shall be raised before the opening of school and taken down at its close every day. The flag will be displayed in each classroom and wherever students assemble.

The morning opening exercises will include the pledge of allegiance. Those students who have religious or conscientious objections may be excused from participating, but must not disrupt the exercises. The Star Spangled Banner shall be the only national anthem sung during these exercises. Those students who have religious or conscientious objections may be excused from participating, but must not disrupt the exercises.

Appropriate recognition shall be given in all schools on the last school day preceding (or the following Monday in the case of Constitution Day and Citizenship Day if September 17<sup>th</sup> falls on a Sunday):

- A. Martin Luther King Jr.'s Birthday;
- B. Lincoln's Birthday;
- C. Washington's Birthday;
- D. Memorial Day;
- E. Constitution Day and Citizenship Day (Sept. 17);
- F. Columbus Day;
- G. Veterans' Day;
- H. Thanksgiving Day.

Suitable exercises are also required by law in all New Jersey public schools in observance of Flag Day (June 14, day of adoption the American flag by the Continental Congress in 1777), Arbor Day (last Friday in April), and Commodore John Barry Day (September 13<sup>th</sup>). The board authorizes the chief school administrator to conduct school observances in commemoration of other persons and events of special historical significance.

Students shall be encouraged to develop and/or take part in events and activities in connection with special "days", "weeks" or "months" proclaimed by the nation, state or community.

CEREMONIES AND OBSERVANCES (continued)

Holidays and special events may be recognized in the district's schools so long as such recognition respects the rights and feelings of others and is consistent with law.

Songs and customs which have come to us from the various elements of our national population may be used to broaden our students' awareness of the many elements that make up our American culture.

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.

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**Legal References:** N.J.S.A. 18A:36-3 Display of and salute to flag; pledge of allegiance  
N.J.S.A. 18A:36-4 Period of silence (unconstitutional)  
N.J.S.A. 18A:36-6 Observance of Flag Day  
N.J.S.A. 18A:36-7  
 through -9 Designation of Arbor Day ...  
N.J.S.A. 18A:36-10  
 through -12 Designation of Commodore Barry Day ...  
N.J.S.A. 18A:36-13 Patriotic exercises preceding holidays

U.S.C.A. Const. Amends. 1, 14

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

P.L. 108-447 (December 2004) requires all educational institutions that receive Federal funds for fiscal year to hold an educational program on The United States Constitution on September 17, designated "Constitution Day and Citizenship Day."

West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943)

Holden v. Elizabeth Board of Education, 46 N.J. 281 (1966)

Lipp v. Morris, 579 F. 2d 834 (1978) (3rd Cir.)

May v. Cooperman, C.A., 780 F. 2d 240 (1985)

Karcher v. May, 484 U.S. 72 (1987)

Lee v. Weisman, 505 U.S. 577 (1992)

CEREMONIES AND OBSERVANCES (continued)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3<sup>rd</sup> cir. 1996)

Santa Fe Indep. School District v. Doe, 120 S. Ct. 2266 (June 19, 2000)

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, United States Department of Education, February 7, 2003

**Possible**

**Cross References:** \*5114 Suspension and expulsion  
\*5127 Commencement activities  
\*5131 Conduct/discipline  
\*6141.2 Recognition of religious beliefs and customs

NONDISCRIMINATION/AFFIRMATIVE ACTION

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

Reporting to the chief school administrator, the affirmative action team shall monitor the following areas for compliance with State Department of Education regulations and make suggestions and/or recommendations when necessary.

A. Access

The district provides equal and bias-free access to all school facilities, courses, programs, activities, and services by:

1. Ensuring equal and barrier-free access to all school and classroom facilities;
2. Implementing a reasonable plan for achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures. The goal of the plan shall be to attain within each school, minority representation that approximates the school district's overall minority representation. Exact apportionment is not required;
3. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
5. Ensuring support services, including intervention and referral services and school health services are available to all students;
6. Ensuring a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty (see

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

board policy 6173 Home instruction); and

7. Ensuring that pregnant students are not excluded from access to the educational programs, activities and services.

## B. Curriculum

The district's curriculum and instruction shall be aligned to the New Jersey Student Learning Standards. The curriculum and instruction shall address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs, and by providing opportunities for students to interact positively with others regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. The district shall:

1. Ensure there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
2. Ensure courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. Portions of classes that deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female students, provided the course content for such separately conducted sessions is the same;
3. Reduce or prevent the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
4. Ensure schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
5. Ensure African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
6. Ensure instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate.

## C. Counseling Services

Students shall have access to adequate and appropriate counseling services:

1. When informing students about possible careers or professional or vocational opportunities options presented shall not be restricted or limited on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;
2. Tests or guidance or counseling materials that are biased or stereotyped shall not be used.

## D. Physical Education, Athletic Programs, Extracurricular Activities

The district's physical education and athletic programs shall be equitable and co-educational and shall not discriminate on the basis of protected class status including:

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

1. Separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be provided and shall be comparable;
2. Separate teams for the two sexes may be operated in one or more sports or single teams open competitively to members of both sexes, as long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency; and
3. The activities comprising the school athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season, and all other related areas or matters.

## E. Staff training

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

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

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Second Reading:	June 12, 2014
Revised:	November 17, 2016
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Second Reading:	November 17, 2016
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<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:4A-1 <u>et seq.</u>	New Jersey Commission on Holocaust Education
	<u>N.J.S.A.</u> 18A:18A-17	Facilities for handicapped persons
	<u>N.J.S.A.</u> 18A:35-1	Course in history of the United States in high school
	<u>N.J.S.A.</u> 18A:36-20	Discrimination; prohibition

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

N.J.S.A. 18A:37-14.19 Harassment, Intimidation, Bullying  
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education  
 See particularly:  
N.J.A.C. 6A:7-1.1,-1.4,-1.7,-1.9  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act, of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act (IDEA)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

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

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

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

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb.22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible****Cross References:**

*2224	Nondiscrimination/affirmative action
*4111.1/4211.1	Nondiscrimination/affirmative action
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5131.1	Harassment, intimidation and bullying
*5134	Married/pregnant students
*5145.4	Equal educational opportunity
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142.4	Physical education and health
*6145	Extracurricular activities
*6161.1	Guidelines for evaluation and selection of instructional materials
*6163.1	Media center/library
*6164.2	Guidance services
*6171.4	Special education

**Policy**

ARTICULATION

In order to optimize student achievement of the New Jersey Student Learning Standards, the board of education shall be responsible for the delivery of educational programs at the elementary and secondary levels using a coherent sequence of activities to prepare all students for employment or postsecondary study upon their graduation.

The chief school administrator shall develop programs whereby teachers of the various levels of the district's schools cooperate to achieve smooth transitions from level to level; whereby students in the district's schools receive instruction in the same subjects at the same levels as students in other districts who will be attending the same high schools; and whereby the transition for district students from our elementary schools to the high school is accomplished without unnecessary difficulty for any student.

Further, the chief school administrator will make every effort to develop a similar relationship with nursery schools from which district kindergarten students come.

The board shall make reasonable efforts to develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified students in the high school.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:38-8.1 through -8.3 Additional member on board of education to represent board of education in each sending district  
N.J.A.C. 6A:8-1.3 Definitions  
N.J.A.C. 6A:8-3.1 Curriculum and instruction  
N.J.A.C. 6A:8-3.3 Enrollment in college courses  
N.J.A.C. 6A:13-3.2 Secondary education initiatives

**Possible**

**Cross References:** \*1600 Relations between other entities and the district  
\*2131 Chief school administrator  
\*5118 Nonresidents  
\*6140 Curriculum adoption  
\*6141 Curriculum design/development

ARTICULATION (continued)

- \*6142 Subject fields
- \*6143 Curriculum guides
- \*6178 Early childhood education/preschool

PLEDGE OF ETHICS

Pledge of Ethics

The Pledge of Ethics guides and unifies every student and adult in the learning community by setting a common standard of behavior, supported and followed by all.

To ensure that all students and adults in the Professional Learning Community are held to the same high ethical standards, the Pledge of Ethics is adhered to at all levels. The pledge is prominently posted in every school, classroom and building of the Elizabeth Board of Education, and each learning community member is given a copy and ask to adopt it as their own.

<b>Date:</b>	June 8, 1994
<b>Revised:</b>	June 6, 1996
<b>Revised:</b>	November 3, 1997
<b>Revised:</b>	January 8, 1998
<b>Revised:</b>	June 24, 2004
<b>Revised:</b>	August 18, 2005
<b>Revised:</b>	June 25, 2009
<b>First Reading:</b>	June 11, 2009
<b>Second Reading:</b>	June 25, 2009
<b>Revised:</b>	June 30, 2011
<b>First Reading:</b>	June 9, 2011
<b>Second Reading:</b>	June 30, 2011
<b>NJSBA Review/Update:</b>	December 2018
<b>Readopted:</b>	June 13, 2019

**Regulation**

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PLEDGE OF ETHICS

The Pledge of Ethics guides and unifies every student and adult in the learning community by setting a common standard of behavior, supported and followed by all.

To ensure that all students and adults in the Professional Learning Community are held to the same high ethical standards, the Pledge of Ethics is adhered to at all levels. The pledge is prominently posted in every school, classroom and building of the Elizabeth Board of Education, and each learning community member is given a copy and ask to adopt it as their own:

- Students
  - Every morning the Pledge of Ethics is recited by all, following the Pledge of Allegiance, led by a student on the PA system broadcasted throughout the school.
  - Student Handbook/Agenda
- All Staff - at all staff meetings.
- All New Staff - immediately upon hire.
- Parents and Family - included in the first letter home.
  - The principal's letter is sent home as part of the welcome to students and families in every school and will include the Pledge of Ethics.
  - The Pledge of Ethics is again distributed at every school's "Open House."
- District Information and Calendar

<b>Date:</b>	August 18, 2005
<b>Revised:</b>	<b>June 25, 2009</b>
<b>First Reading:</b>	June 11, 2009
<b>Second Reading:</b>	June 25, 2009
<b>NJSBA Review/Update:</b>	December 2018
<b>Readopted:</b>	June 13, 2019

**Exhibit**

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PROFESSIONAL LEARNING COMMUNITY

The Professional Learning Community includes all students, parents and staff of the Elizabeth Public Schools.

Pledge of Ethics

As a member of the Elizabeth Public Schools Professional Learning Community, I will treat people as I wish to be treated. To do that, I pledge to:

- Understand that the school community is a "special place"
- Listen respectfully when someone else is speaking by paying close attention and not interrupting
- Speak in a calm voice and use proper language
- Dress appropriately for teaching and learning
- Inspire the best in myself and others by celebrating successes and learning from mistakes
- Care about others by demonstrating acts of kindness
- Be a life-long learner by taking every opportunity to learn from others

<b>Date:</b>	August 18, 2005
<b>Revised:</b>	<b>June 25, 2009</b>
<b>First Reading:</b>	June 11, 2009
<b>Second Reading:</b>	June 25, 2009
<b>NJSBA Review/Update:</b>	December 2018
<b>Readopted:</b>	June 13, 2019

**Exhibit**

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OUR PLEDGE OF EHTICS FOR EARLY CHILDHOOD

As a member of the Elizabeth Public Schools Professional Learning Community, I will treat people as I wish to be treated. To do that, I pledge to:

- Understand that the school is a "special place"
- Listen when someone else is talking
- Speak in an “inside” voice
- Dress appropriately so I can learn
- Try my best to learn in school
- Care about my friends
- Learn from my teachers and my friends

<b>Date:</b>	August 18, 2005
<b>Revised:</b>	<b>June 25, 2009</b>
<b>First Reading:</b>	June 11, 2009
<b>Second Reading:</b>	June 25, 2009
<b>NJSBA Review/Update:</b>	December 2018
<b>Readopted:</b>	June 13, 2019

**Policy**

CURRICULUM ADOPTION

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

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

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

The board directs that the curriculum of this district:

- A. Be consistent with written goals, objectives and identified student needs;
- B. Develop individual talents and interests and serve diverse learning styles to motivate student achievement;
- C. Provide for continuous learning through effective articulation;
- D. Provide all students continuous access to sufficient programs and services of a library/media facility, classroom collection, or both, to support the educational program;
- E. Provide all students guidance and counseling to assist in career and academic planning;
- F. Provide a continuum of educational programs and services for students with disabilities, pursuant to law and regulation;
- G. Provide bilingual programs for students whose dominant language is not English, pursuant to law and regulation;
- H. Provide all students equal educational opportunity, pursuant to law and regulation;

CURRICULUM ADOPTION (continued)

- I. Provide instruction in African-American History, including the Amistad, and the history of other cultures taught as part of the history of the United States (N.J.S.A. 18A:35-1);
- J. Provide instruction on the Holocaust and other genocide curricula at all grade levels (N.J.S.A. 18A:35-28);
- K. Provide instruction on the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people, in an appropriate place in the curriculum of middle school and high school students;
- L. Incorporate instruction on grief in the curriculum of students in grades eight through 12 as part of the implementation of the New Jersey Student Learning Standards in Comprehensive Health and Physical Education (P.L. 2023, c. 201);
- M. Incorporate instruction on diversity and inclusion in an appropriate place in the curriculum of students in grades kindergarten through 12. This instruction shall:
  - 1. Highlight and promote diversity, including economic diversity, equity, inclusion, tolerance, and belonging in connection with gender and sexual orientation, race and ethnicity, disabilities, and religious tolerance;
  - 2. Examine the impact that unconscious bias and economic disparities have at both an individual level and on society as a whole; and
  - 3. Encourage safe, welcoming, and inclusive environments for all students regardless of race or ethnicity, sexual and gender identities, mental and physical disabilities, and religious beliefs.
- N. Provide career awareness and vocational education, pursuant to law and regulation;
- O. Provide educational opportunities for exceptionally gifted and talented students.

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

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

Date:	November 13, 1986
Revised:	June 25, 2009
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Second Reading:	June 25, 2009
NJSBA Review/Update:	December 2018
Readopted:	June 13, 2019
Revised:	August 26, 2021

CURRICULUM ADOPTION (continued)

First Reading: July 15, 2021  
 Second Reading: August 26, 2021  
 Revised: **October 28, 2021**  
 First Reading: September 30, 2021  
 Second Reading: October 28, 2021  
 Revised: **September 19, 2024**  
 First Reading: August 22, 2024  
 Second Reading: **September 19, 2024**

**Legal References:** N.J.S.A. 18A:4-25 Prescribing minimum courses of study for public schools; approval of courses of study  
N.J.S.A. 18A:29A-1 et seq. Teacher recognition  
N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study  
N.J.S.A. 18A:35-1 et seq. Curriculum and courses  
N.J.S.A. 18A:35-4.35 History of disabled and LGBT persons included in middle and high school curriculum  
N.J.S.A. 18A:35-4.36 Policies, procedures pertaining to inclusive instructional materials  
N.J.S.A. 18A:35-4.36a Curriculum to include instruction on diversity and inclusion  
N.J.S.A. 18A:35-4.45 and 4.46 Grief curriculum under NJSLS Health/PE Curriculum  
N.J.S.A. 52:16A-88 Responsibilities and duties of the Amistad Commission  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment  
See particularly:  
N.J.A.C. 6A:8-3.1, -5.1  
N.J.A.C. 6A:14-4.1 General requirements  
N.J.A.C. 6A:15-1.1 et seq. Bilingual education  
See particularly:  
N.J.A.C. 6A:15-1.3, -1.4, -1.5  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
  
 The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:** \*6141 Curriculum design/development  
 6141.1 Experimental/innovative programs  
 \*6142 Subject fields  
 \*6142.2 English as a second language; bilingual/bicultural  
 \*6143 Curriculum guides  
 \*9325.4 Voting method

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS

The Elizabeth Board of Education directs that no religious belief or nonbelief shall be promoted in the regular curriculum or in district-sponsored courses, programs or activities, and none shall be disparaged.

However, the board recognizes that a genuine and broad secular program of education is furthered by advancement of students' knowledge of our society's cultural and religious heritage. Therefore, the several holidays throughout the year that have both a religious and a secular basis may be recognized in the school by use of material having secular or cultural significance.

The instructional program of the school should inform students of the many beliefs and customs stemming from religious, racial, ethnic and cultural heritages. Such instruction should be designed to broaden the students' understanding of and tolerance for the multiple ways of life enjoyed by the peoples of the world.

Songs and customs that have come to us from the various ethnic, religious and racial elements of our population should be used to broaden our students' awareness of the contributions that each segment has made to the composite American culture.

Music, art, literature and drama having religious themes or bases are permitted as part of the curriculum for school-sponsored activities and programs if presented in an objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.

The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are part of a religious holiday is permitted as a teaching aid or resource, provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature.

Any instruction in the school which may be contrary to a student's religious beliefs and teachings shall be viewed as optional for the student.

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.

This policy supersedes any other board policy that is inconsistent with it.

Date: November 13, 2009

Revised: June 25, 2009

First Reading: June 11, 2009

RECOGNITION OF RELIGIOUS BELIEFS AND CUSTOMS (continued)

Second Reading: June 25, 2009  
 NJSBA Review/Update: December 2018  
 Readopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:36-16 Rules regarding religious holidays  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:8-3.1 Curriculum and instruction  
N.J.A.C. 6A:32-8.3(h) School attendance  
U.S.C.A. Const. Amends. 1, 14

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

20 U.S.C.A. 4071 - 4074 - Equal Access Act

Florey v. Sioux Falls School District, 619 F. 2d 1311 (8th Cir. 1980)

Lynch v. Donnelly, 465 U.S. 668, (1984)

Edwards v. Aguillard, 482 U.S. 578 (1987)

Lee v. Weisman, 505 U.S. 577 (1992)

Cherry Hill Bd. of Ed., 838 F. Supp. 929 (D.N.J. 1993)

American Civil Liberties Union v. Blackhorse Pike Regional Board of Education, 84 F. 3d 1471 (3<sup>rd</sup> Cir. 1996)

Santa Fe Independent School District v. Doe, 120 S. Ct. 2266 (June 19, 2000)

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

C.H. v. Oliva, 26 F. 3d 198 (3<sup>rd</sup> Cir. 2000) *en banc*, *cert.* denied, June 18, 2001

Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools, United States Department of Education, February 7, 2003

**Possible**

**Cross References:** \*1330 Use of school facilities  
 \*5113 Absences and excuses  
 \*5127 Commencement activities  
 \*5131 Conduct/discipline  
 \*6115 Ceremonies and observances  
 \*6121 Nondiscrimination/affirmative action  
 \*6144 Controversial issues  
 \*6161.2 Complaints regarding instructional materials

**Policy**

ADVANCED PLACEMENT (AP) PROGRAM

The Elizabeth Board of Education shall courses in preparation of the Advanced Placement (AP) test given annually. These courses are designed to offer what a college freshman would face in a reputable institution of higher learning throughout the nation. Students are encouraged to attempt AP level work and apply for advanced credit or standing in a college of their choice upon application.

Advanced Placement Test Fee Program

The Advanced Placement Test Fee (APTF) program is a federal grant program that enables states to pay part or all of the costs of advanced placement test fees for students who are enrolled in an advanced placement class and qualify as low-income students who are enrolled in an advanced placement course and plan to take an advanced placement test. The program is designed to increase the number of low-income students who take advanced placement tests and receive scores for which college academic credit is awarded.

Definition

For the purposes of this policy, “low-income” shall be defined as an individual who is determined to be a child age 5 through 19, from a low-income family, based on eligibility for free or reduced-price lunches under the National School Lunch Act.

Awards may be used only to support advanced placement test fees for low-income students. Fees for the College Board Advanced Placement (AP), International Baccalaureate (IB) or Cambridge International (CI) tests taken by low-income students are covered.

Additional Information

Funds from the APTF program subsidize test fees for low-income students to encourage them to take advanced placement tests (AP, IB, or CI) and obtain college credit for high school courses, reducing the time and cost required to complete a postsecondary degree.

However, parents/guardians of low-income students may be required to pay some portion of the AP exam fee.

Title I, Part A Funds

Title I, Part A funds may be used to pay the cost of taking an AP exam for low-income students up to age 17 who are participating in a Title I, Part A program, provided that paying for these costs is otherwise the responsibility of the students’ parents/guardians. If the low-income students would not be able to access the exam without the Title I, Part A funds, these funds can be used to pay the cost

ADVANCED PLACEMENT (continued)

of taking the exam. If the district covers the cost of the exams for all students, or if the district has a fund to pay the cost for low-income students in general, Title I, Part A funds may not be used.

The New Jersey Department of Education may use its APTF grant to pay a portion of the exam fee for low-income students, contingent upon receipt of a supplemental federal grant award.

As a district participating in the APTF program, the board hereby implements this policy to identify the payment process to pay its share of the examination fee for each AP exam taken by low-income students.

Procedures

When it is determined that parents/guardians are to be responsible for paying a portion of the AP exam fee, the guidance department shall be responsible for accepting all such AP exam fees from low-income students and/or their parents/guardians.

Should a particular student not take the examination after qualifying to do so, and paying the required fee, the guidance department shall be responsible for both securing and returning such funds to the student and/or his/her parents/guardians.

Parents/guardians shall be notified of the AP Test Fee Program, through printed materials sent home with the affected students, as well as other communications methods, as determined by the administration, informing them of the required per exam fee for each exam taken.

Honors Programs

At the discretion of the board, academic courses may be adopted that pose a greater level of difficulty than other academic courses generally offered in the same subject. These courses, inclusive of advanced placement, shall be designated as honors courses.

The chief school administrator and faculty shall determine eligibility for participation in such courses.

Students completing honors courses shall be accorded class rank recognition based on the following formula: A=5, B=4, C=3, D=2

Postgraduate Students

The board of education will consider the extension of the privilege of postgraduate study to high school graduates of this district upon proper application and the satisfaction of the following conditions:

- A. The specific objective of the candidate is dependent upon the completion of certain courses offered at the high schools;
- B. The past scholastic and behavioral record of the candidate is such as to predict success in the selected postgraduate courses;

ADVANCED PLACEMENT (continued)

C. The needs of students regularly enrolled in the school are met and classroom space and instructional staff are available.

The board shall approve, on the recommendation of the chief school administrator, each qualified application for postgraduate studies before the student may begin such studies. Such approval shall not be construed to extend beyond the academic year for which application is made. The continued attendance of each admitted postgraduate student shall be contingent upon the maintenance of a satisfactory academic performance, regular attendance and a record of good conduct.

The board will not assume responsibility for the transportation of students pursuing postgraduate studies.

Date: November 13, 1986  
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 Second Reading: June 25, 2009  
 NJSBA Review/Update: December 2018  
**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:35-4.9 Pupil promotion and remediation, policies and procedures  
N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students  
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions  
N.J.A.C. 6A:7-1.7 Equality in school and classroom practice  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessments  
See particularly:  
N.J.A.C. 6A:8-1.3, -4.1, -5.1  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-2.1 Definitions  
N.J.A.C. 6A:32-7.1 Student Records

34 CFR 98 - Protection of Pupil Rights

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

Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862

**Possible**

**Cross References:** \*5120 Assessment of individual needs  
 \*6010 Goals and objectives  
 \*6140 Curriculum adoption  
 \*6142 Subject fields  
 \*6146 Graduation requirements  
 \*6147 Standards of proficiency  
 \*6154 Homework/makeup work  
 6174 Summer session

CURRICULUM DESIGN/DEVELOPMENT EXPERIMENTAL/  
INNOVATED PROGRAMS

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

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

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

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

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

CURRICULUM DESIGN/DEVELOPMENT (continued)

members to have an opportunity to review the proposed program.

Criteria for Curriculum Approval

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

- A. Does it address an identified student need?
- B. Is it relevant to the board's philosophy and goals and does it offer real possibilities for progress toward these goals?
- C. Does it satisfy the requirements of the board's school and classroom practices prohibiting bias and stereotyping?
- D. If the proposed course replaces an existing program, what defect in the previous program is it designed to overcome?
- E. Does it include measures for determining progress?
- F. Does it address the necessary study skills?
- G. Has it been thoroughly studied and/or tested by district staff or by another district? What were the results?
- H. Has a curriculum guide been completed? If not, when can it be expected?
- I. Have the accompanying textbooks, electronic textbooks and other materials been recommended to the board?
- J. Have the costs and time of implementation been reviewed, including inservice training?

The curriculum shall be reviewed and updated annually. The chief school administrator shall report annually on all progress in curriculum development and the implementation at the time of the board's annual adoption of curriculum.

Date:	November 13, 1986
Revised:	June 25, 2009
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NJSBA Review/Update:	December 2018
<b>Readopted:</b>	June 13, 2019

**Legal References:** N.J.S.A. 18A:34-1

Textbooks; selection; furnished free with supplies; appropriations

CURRICULUM DESIGN/DEVELOPMENT (continued)

- N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards
- N.J.A.C. 6A:13-2.1 Standards based instruction
- N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County

The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

- Cross References:**
- \*2131 Superintendent
  - \*5120 Assessment of individual needs
  - \*6140 Curriculum adoption
  - \*6142 Subject fields
  - \*6143 Curriculum guides
  - \*6147 Standards of proficiency
  - \*6171 Special instructional programs

SUBJECT FIELDS

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

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

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

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

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

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

Date: November 13, 2009  
Revised: June 25, 2009  
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**Readopted:** June 13, 2019

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:6-2	Instruction in accident and fire prevention
	<u>N.J.S.A.</u> 18A:6-3	Courses in constitution of United States
	<u>N.J.S.A.</u> 18A:7C-5	Board of education to provide policy on graduation to students and parents
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and courses
	<u>N.J.S.A.</u> 18A:35-4.6 through -4.8	<u>Parents Right to Conscience Act of 1979</u>
	<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction

SUBJECT FIELDS (continued)

<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:9B-3.1 <u>et. seq.</u>	State Board of Examiners and certification
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:9B-5, -6, -8, -9, -10, -11, -12, -14	
<u>N.J.A.C.</u> 6A:14-3.7	Individualized education program
<u>N.J.A.C.</u> 6A:14-4.1	General requirements
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

New Jersey State Board of Education Resolution, September 6, 1989, recommends that each district establish a citizens' advisory group for the implementation of core values of the local community into the district's schools.

Old Bridge Education Association v. Board of Education of the Township of Old Bridge, Middlesex County

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*6121	Nondiscrimination/affirmative action
	*6122	Articulation
	*6140	Curriculum adoption
	*6142.1	Family life education
	*6142.2	English as a second language; bilingual/bicultural
	*6142.4	Physical education and health
	*6142.6	Basic skills
	*6142.9	Arts
	*6142.12	Career education
	*6146	Graduation requirements
	*6147	Standards of proficiency
	*6164.2	Guidance services
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.4	Special education
	*9130	Committees

FAMILY LIFE EDUCATION

The Elizabeth Board of Education shall maintain a family life education curriculum that provides material suited to each grade level, presented in a manner intended to foster respect for the human body and an understanding of how human sexuality affects personal and family relationships in conformance with the New Jersey Student Learning Standards.

The curriculum, developed under the supervision of the chief school administrator with the active participation of teachers, administrators, students, parents/guardians, physicians, members of the clergy and representative members of the community, shall be available to all parents/guardians. The board shall ensure compliance with all requirements of state and federal law concerning the content of the curriculum and distribution of materials. An outline of the curriculum and list of instructional materials for the grades of their children shall be sent to parents/guardians annually.

The chief school administrator shall ensure that the curriculum developed is articulated to that of the elementary school(s), so that the transition from elementary to secondary approaches to this material will be easy for all students.

Any student whose parent/guardian presents to the school principal a signed statement that any part of the instruction in health, family life education or sex education is in conflict with their conscience, or moral or religious beliefs, shall be excused from that portion of the course where such instruction is being given, and no penalties as to credit or graduation shall result therefrom.

The board urges all parents/guardians to become familiar with these courses and to participate in their development.

The board of education alone, upon recommendation of the chief school administrator, shall determine the content, sequence and materials of family life education.

Date:	November 13, 2009
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Second Reading:	June 25, 2009
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**Legal References:** N.J.S.A. 18A:35-4.6  
through -4.8 Parents Right to Conscience Act of 1979  
N.J.S.A. 18A:35-4.19  
through -4.22 AIDS Prevention Act of 1999  
N.J.A.C. 6A:8-3.1 Curriculum and instruction

FAMILY LIFE EDUCATION (continued)

N.J.A.C. 6A:8-4.2 Documentation of student achievement

20 U.S.C. 1232h - Student Protection Rights Amendment -

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

**Possible**

**Cross References:** \*1220 Ad hoc advisory committees  
\*5131.6 Drugs, alcohol, tobacco (substance abuse)  
5141.6 Crisis intervention  
\*6122 Articulation  
\*6140 Curriculum adoption  
\*6142 Subject fields  
\*6142.13 HIV prevention education  
\*9130 Committees

ENGLISH AS A SECOND LANGUAGE; BILINGUAL PROGRAMS

The Elizabeth Board of Education shall provide bilingual, English as a second language (ESL), English language services and/or bilingual programs of instruction for students who:

- A. Do not speak English and need instruction toward mastery of the English language;
- B. Speak English but reside in a home where English is not the primary language spoken, and need instruction toward mastery of the English language;
- C. Speak a language other than English, are more capable of performing school work in that language, and need their basic educational program taught in that language.

Definitions

“Bilingual education program” means a full-time program of instruction in all courses or subjects that a child is required by law or rule to receive, given in the native language of ELLs enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of ELLs enrolled in the program, and in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area that is the native land of the parents of ELLs enrolled in the program, and in the history and culture of the United States.

“English as a second language (ESL) program” means a daily developmental second-language program of at least one period of instruction based on student language proficiency that teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the students' experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.

“English language learner” or “ELL” means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability.

"English language services" means services designed to improve the English language skills of ELLs. The services, provided in school districts with less than 10 ELLs, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.

Identification of Eligible English Language Learners

The board shall determine the native language of each English language learner at the time of the

ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS (continued)

student's enrollment in the district and maintain a census indicating all identified students whose native language is other than English.

The board of education shall develop and the chief school administrator or his or her designee shall implement a screening process, initiated by a home-language survey, to determine which students whose native language is other than English in grades kindergarten to 12 must be tested to determine English language proficiency. The screening shall be conducted by a bilingual/ESL or other certified teacher, and shall be designed to distinguish students who are proficient English speakers and need no further testing.

The board shall ensure that the English proficiency of students who are not screened out by the home-language survey shall be determined by:

- A. Administering a Department-approved English language proficiency test;
- B. Assessing the level of reading in English;
- C. Reviewing the previous academic performance of students, including their performance on standardized tests in English; and
- D. Reviewing the input of teaching staff members responsible for the educational program for ELLs;
- E. Students who do not meet the Department standard on a Department-approved language proficiency test and who have at least one other indicator shall be considered ELLs.

The board, through the chief school administrator or his or her designee shall also implement age-appropriate methodologies to identify preschool ELLs to determine their individual language development needs.

Programs and Services

The goal of English as a second language and English language services programs are to assist students to achieve fluency (including listening, comprehension, speaking, reading, and writing skills) in English and incorporates the cultural aspects of the students' experiences in their ESL instruction. The goal of the bilingual program is to permit students to learn subject matter in their primary language while developing English language skills. The goal of all such programs shall be achievement of the New Jersey Student Learning Standards.

Students enrolled in bilingual, ESL, and English language services programs shall have full access to educational services available to other students in the district. To the extent that is administratively feasible, supportive services to ELLs, such as counseling, tutoring, and career guidance, should be provided by bilingual personnel who are familiar with and knowledgeable of the unique needs and background of the ELLs and their parents.

ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS (continued)

All district high school English language learners (ELLs) shall satisfy both state and district requirements for graduation, except that any English language learners may demonstrate attainment of state minimum levels of proficiency through passage of the State approved alternative high school assessment process in his/her native language and an English fluency assessment approved by the Department of Education or passage of the alternative high school assessment in English with appropriate accommodations.

Parents/guardians of English language learners shall be notified by mail of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL or English language services education program. This notification shall be issued within 30 days of the child's identification and shall include the information that the parents may choose to decline to enroll their child into the bilingual program. The notice shall be in writing and in the language in which the parent/guardian possesses a primary speaking ability, and in English, and shall include the following information:

- A. Why the student was identified as an ELL;
- B. Why the student needs to be placed in a language instructional educational program that will help him or her develop and attain English proficiency and meet State academic standards;
- C. The student's level of English proficiency, how the level of English proficiency was assessed, and the student's academic level;
- D. The method of instruction the school will use to serve the student, including a description of other instruction methods available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable;
- E. How the program will meet the student's specific needs in attaining English and meeting State standards;
- F. The program's exit requirements, the expected rate of transition into a classroom not tailored for ELLs, and, in the case of high school students, the expected rate of graduation; and
- G. How the instructional program will meet the objectives of the individualized education program of a student with a disability.

Progress reports for students in in bilingual, ESL, or English language services programs shall be made to parents/guardians on the same schedule as the reports of all students enrolled in the district. Progress reports shall be in writing and in both English and their primary speaking language unless doing so places unreasonable burden on the board.

Exiting the Program

ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS (continued)

Students shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in an English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a Department-established standard on an English language proficiency test. The readiness of the student shall be further assessed on the basis of multiple indicators that shall include, at a minimum:

- A. Classroom performance;
- B. The student's reading level in English;
- C. The judgment of the teaching staff member or members responsible for the educational program of the student; and
- D. Performance on achievement tests in English.

When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the parent/guardian shall be notified by mail of the placement determination. The notice shall be in English and in the language in which the parents/guardian possesses a primary speaking ability. If the parent(s), guardian, or teaching staff member disagrees with the placement, he or she may appeal the placement to the Commissioner, after appealing the decision to the board.

Removal from the Program

Parents/guardians may remove a student who is enrolled in a bilingual, ESL or English language services program at any time; except that during the first three years of the student's participation in a bilingual education program, he/she may only be removed at the end of each school year. Removal prior to the end of the school year shall be approved by the executive county superintendent. If the executive county superintendent determines that the student should remain in the bilingual education program until the end of the school year, the parents/guardians may appeal that decision to the commissioner of education/designee pursuant to law. The commissioner shall render a decision within 30 days of the filing of the appeal.

Parent Involvement

The board is committed to providing the maximum practicable involvement of parents/guardians of ELLs in the development and review of program objectives and dissemination of information to and from the board and communities served by the bilingual, ESL, or English language services education programs. The board directs the chief school administrator or his or her designee to shall establish a parent advisory committee on bilingual education of which the majority membership shall be parent(s) of ELLs.

Inservice Training

ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS (continued)

The board shall ensure that the chief school administrator oversees the development of a plan for inservice training for bilingual, ESL, and mainstream teachers; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of ELLs. The plan shall include instructional strategies and appropriate assessments to help ELLs meet the New Jersey Student Learning Standards and the World-class Instructional Design and Assessment (WIDA) English language development standards. All bilingual and ESL teachers shall receive training in the use of the ESL curriculum. The professional development plan of the school district shall include the needs of bilingual and ESL teachers, which shall be addressed through inservice training (see board policy 4131/4131.1 Staff Development, Inservice Education).

Implementation

The chief school administrator shall direct development of a plan for bilingual program, ESL program, or English language services that is in compliance with state guidelines. The plan shall be submitted every three years to the Department of Education for approval. The plan shall include information on the following:

- A. Identification of students;
- B. Program description;
- C. The number of certified staff hired for the program;
- D. Bilingual and ESL curriculum development;
- E. Evaluation design;
- F. Review process for exit; and
- G. A budget for the bilingual and ESL program or English language services.

The board may request a waiver of the requirement for a full-time bilingual or ESL program when there are 20 or more students eligible for the bilingual education program in grades kindergarten through 12, to establish annually an instructional program alternative. The request must be approved by the Department of Education, and the school district must be able to demonstrate that it would be impractical to provide a full-time bilingual program due to the age range, grade span, and/or geographic location of eligible students.

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ENGLISH AS A SECOND LANGUAGE;  
BILINGUAL PROGRAMS (continued)

Second Reading: June 30, 2011  
 Revised: November 17, 2016  
 First Reading: September 22, 2016  
 Second Reading: November 17, 2016  
 NJSBA Review/Update: December 2018  
**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:35-15 et seq. Bilingual education programs  
N.J.A.C. 6A:5-1.1 et seq. Regulatory Equivalency and Waiver  
N.J.A.C. 6A:8-1.3 Definitions  
N.J.A.C. 6A:8-4.1 Statewide assessment system  
N.J.A.C. 6A:8-5.1 Graduation requirements  
N.J.A.C. 6A:9B-3.1 et seq. Professional Licensure and Standards  
 See particularly:  
N.J.A.C. 6A:9B-11.5, -11.6  
N.J.A.C. 6A:15-1.1 et seq. Bilingual Education  
 See particularly:  
N.J.A.C. 6A:15-1.4  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

Every Student Succeeds Act, Pub. L. 114-95, Title 1 and Title 3, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:** \*5120 Assessment of individual needs  
 \*5124 Reporting to parents/guardians  
 \*6121 Nondiscrimination/affirmative action  
 \*6146 Graduation requirements  
 \*6147 Standards of proficiency  
 \*6147.1 Evaluation of individual student performance  
 \*6171.2 Gifted and talented  
 \*6171.3 At-risk and Title 1

PHYSICAL EDUCATION AND HEALTH

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

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

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

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

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

Suicide Prevention

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

Dating Violence

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

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

PHYSICAL EDUCATION AND HEALTH (continued)

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

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

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

- A. Information that dating violence will not be tolerated;
- B. Dating violence reporting procedures;
- C. Guidelines for responding to at-school incidents of dating violence;
- D. Discipline procedures specific to at-school incidents of dating violence;
- E. Warning signs of dating violence; and
- F. Information on safe and appropriate school, family, peer, and community resources available to address dating violence shall also be included within the curriculum.

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

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

The instruction provided shall:

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

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PHYSICAL EDUCATION AND HEALTH (continued)

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 First Reading: October 23, 2014  
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 NJSBA Review/Update: December 2018  
**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:6-111 et seq. Instruction in Suicide Prevention  
 See particularly:  
     N.J.S.A. 18A:6-113 Instruction in suicide prevention in public school curriculum  
  
     N.J.S.A. 18A:35-4.19 through -4.22 AIDS Prevention Act of 1999  
     N.J.S.A. 18A:35-4.23 Domestic violence, child abuse, instructions on those problems  
  
     N.J.S.A. 18A:35-4.23a Dating violence into health education curriculum  
     N.J.S.A. 18A:35-4.28 Instruction in CPR and use of AED for certain students  
     N.J.S.A. 18A:35-5 through -9 Maintenance of physical training courses; features  
     N.J.S.A. 18A:37-33 through -37 Dating violence policy and education  
     N.J.A.C. 6A:7-1.7 Equality in school and classroom practices  
     N.J.A.C. 6A:8-3.1 Curriculum and instruction  
     N.J.A.C. 6A:8-5.1 Graduation requirements  
     N.J.A.C. 6A:9B-5.16 Athletics Personnel  
     N.J.A.C. 6A:9B-10.3 Health and physical education  
     N.J.A.C. 6A:16-2.1 et seq. General Provisions for School Health Services  
 See particularly:  
     N.J.A.C. 6A:16-2.2  
     N.J.A.C. 6A:32-9.1 Athletics Procedures  
  
 20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972  
  
 The Comprehensive Equity Plan, New Jersey State Department of Education

**Possible**

**Cross References:** \*2224 Nondiscrimination/affirmative action  
 \*5145.4 Equal educational opportunity  
 \*6121 Nondiscrimination/affirmative action  
 \*6142 Subject fields  
 \*6145.1/6145.2 Intramural competition; interscholastic competition  
 \*6146 Graduation requirements

**Policy**

BASIC SKILLS

In order to provide district students with the basic tools necessary for achievement of the New Jersey Student Learning Standards, the Elizabeth Board of Education directs development of strong basic skills courses at all levels of the schools.

The chief school administrator shall work with staff to:

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

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

NJSBA Review/Update: December 2018  
Adopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment  
See particularly:  
N.J.A.C. 6A:8-3.1, -4.1  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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

**Possible**

**Cross References:** \*6122 Articulation  
\*6140 Curriculum adoption  
\*6141 Curriculum design/development  
\*6142 Subject fields  
\*6142.2 English as a second language; bilingual/bicultural  
\*6146 Graduation requirements  
\*6171.1 Remedial instruction  
\*6171.3 At-risk and Title 1  
\*6171.4 Special education

**Policy**

ARTS

The chief school administrator shall ensure that curriculum in the arts, including both visual and performing, is developed appropriately for each grade level.

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**Legal References:** N.J.S.A. 18A:7F-46 Review, update of the NJSLS, Educational Adequacy Report  
N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study  
N.J.A.C. 6A:8-1.3 Definitions  
N.J.A.C. 6A:8-3.1 Curriculum and instruction  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

**Possible**

**Cross References:** \*6010 Goals and objectives  
\*6140 Curriculum adoption  
\*6142 Subject fields

INTERNET SAFETY AND TECHNOLOGY

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

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

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

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

The district has worked consistently to create a technological foundation that provides equal access to all technology to all staff and students. This ongoing work sets the procedures and protocols needed to eliminate any downtime to ensure success in a hybrid learning environment. The district has provided all students in Grades Pre-K through Grade 12 with their own device in preparation for the remote learning environment. All students in Elizabeth Public Schools will now have their own device. Each device is assigned to a specific student and is to be used ONLY by the assigned student. Devices are never shared. All students in the district will be bringing their assigned devices back and forth from home to school to allow for equal technology accessibility both at school and in the home.

For the reasons set forth below, students and teachers must use their district-issued device in order to safely and effectively access our digital learning platform. Those who use personal devices for off-campus work will not have the same range of access as those using district-issued devices. Students have access to a variety of software to use on their district-issued devices. Our online learning environment is facilitated through the Microsoft Office 365 Suite for Education. Students can use the Office 365 Suite to produce word processing documents, spreadsheets, and presentations via

INTERNET SAFETY TECHNOLOGY (continued)

PowerPoint. Students may receive their lessons and class materials and communicate virtually with their class and teacher via Microsoft Teams and PowerSchool Schoology. Online programs including Language Arts, Math, Science, Reading, Social Studies, and Pre-Calculus Online are accessible to all staff and students. These resources are very vital tools used to supplement and complement curriculum content virtually.

All student devices are set up to automatically contact the district's next generation firewalls when used outside of the school network. When devices connect to the district's next generation firewalls the devices are protected exactly as they are when used on the district network. This ensures that all devices when used off campus are kept safe from malware attacks, viruses, and inappropriate content. Devices also will be preinstalled with an antivirus software that ties into our next generation firewall to extend the power of the next generation firewall to the endpoints themselves and maintain a safe virtual environment for our students.

**COMPLIANCE WITH CIPA**

Filters Blocking Access to Inappropriate Material

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

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

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

Inappropriate Network Usage

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

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

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

INTERNET SAFETY TECHNOLOGY (continued)

Education, Supervision and Monitoring

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

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

- A. The district established standards for the acceptable use of the internet;
- B. Internet safety rules;
- C. Rules for limited supervised access to and appropriate behavioral expectations for use of online resources, social network websites, and chat rooms;
- D. Cyberbullying (board policy 5131.1 Harassment, Intimidation and Bullying) awareness and response.

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

Policy Development

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

**ACCEPTABLE USE OF THE INTERNET**

Purpose

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

Limitation of Liability

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

INTERNET SAFETY TECHNOLOGY (continued)

District Rights and Responsibilities

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

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

Each principal shall coordinate the district system in his/her building by approving all activities for that building; ensuring that teachers receive proper training in the use of the system; ensuring that students are adequately supervised when using the system; maintaining executed user agreements; and interpreting this acceptable use policy at the building level.

Access to the System

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

This policy shall be read and implemented in conjunction with the district's policy Staff Use of Internet, Social Networks and Other Forms of Electronic Communication file code 4119.26/4219.26.

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

World Wide Web

All students and employees of the board shall have access to the Web through the district's networked or stand alone computers. An agreement (shall/shall not) be required. To deny a child access, parents/ guardians must notify the building principal in writing.

Classroom E-mail Accounts

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

INTERNET SAFETY TECHNOLOGY (continued)

Individual E-mail Accounts for Students

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

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

Individual E-mail Accounts for District Employees

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

District Web Site

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

Individual schools and classes may also establish web sites that include information on the activities of that school or class. The building principal shall oversee these web sites.

The chief school administrator shall publish and disseminate guidelines on acceptable material for these web sites. The chief school administrator shall also ensure that district and school web sites do not disclose personally identifiable information about students without prior written consent from parents/guardians. Consent shall be obtained on the form developed by the state department of education. "Personally identifiable information" refers to student names, photos, addresses, e-mail addresses, phone numbers and locations and times of class trips.

Parental Notification and Responsibility

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

Acceptable Use

All users are responsible for appropriate use of the district's technological resources, which include the computer network, computer labs, hardware peripherals, audio-visual systems, digital boards, communication systems, databases, etc.

INTERNET SAFETY TECHNOLOGY (continued)

Student Safety Practices

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

Use of Personal Electronic Communication

Users must register personally owned computers and personal devices used on school grounds with the Office of Technology and Information Systems prior to connection of any such computer or device to the district network.

Any computer or electronic device connecting to the EBOE network may do so only through an encrypted connection with approved and updated anti-virus and/or security software installed. Computers or other devices not meeting these requirements may be restricted from the network.

All computers and personal electronic devices owned by individual members of the community and used on school grounds are subject to this policy.

Prohibited Activities

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

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

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

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

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

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

INTERNET SAFETY TECHNOLOGY (continued)

Prohibited Language

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

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

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

System Security

All adults/staff users of district login credentials and computers must utilize the MFA authentication process and have their own unique password which may not be shared with anyone but the Office of Technology and Information Systems. Multi-factor Authentication (MFA) is an authentication method that requires the user to provide two or more verification factors to gain access to a resource such as an application, online account, or a VPN. MFA is a core component of a strong identity and access management policy. Rather than just asking for a username and password, MFA requires one or more additional verification factors, which decreases the likelihood of a successful cyber-attack or a Ransomware malicious infection.

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

Users shall immediately notify the supervising staff person or the Office of Technology and Information Systems if they detect a possible security problem. Users shall not access the system solely for the purpose of searching for security problems.

Users shall not install or download software or other applications without permission of the Office of Technology and Technology Systems.

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

All computer terminals must be locked or logged off when away from desks during the day and logged off each night.

System Limits

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

Users shall check e-mail frequently, archive old messages routinely, and delete messages promptly.

INTERNET SAFETY TECHNOLOGY (continued)Privacy Rights

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

Users shall not publish private information about another individual.

District databases that secure information about academic life, community members, and school business are the property of the district. Information contained therein is confidential and can neither be distributed nor used for personal gain. The district reserves the right to restrict access to such databases.

School Furnished Electronic Devices

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

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

Implementation

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

Date:	November 13, 1986
Revised:	August 21, 2003
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	June 28, 2012
First Reading:	June 7, 2012
Second Reading:	June 28, 2012
Revised:	October 17, 2013
First Reading:	September 19, 2013

INTERNET SAFETY TECHNOLOGY (continued)

Second Reading: October 17, 2013  
 Revised: July 17, 2014  
 First Reading: June 12, 2014  
 Second Reading: July 17, 2014  
 NJSBA Review/Update: December 2018  
 Readopted: June 13, 2019  
 Revised: **September 22, 2022**  
 First Reading: August 25, 2022  
 Second Reading: September 22, 2022

**Legal References:** N.J.S.A. 2A:38A-1 et seq. Actions for computer related offenses  
N.J.S.A. 2C:20-25 Computer criminal activity; degree of crime; sentencing  
N.J.S.A. 18A:7A-10 NJQSAC  
N.J.S.A. 18A:36-35 School Internet websites; disclosure of certain student information prohibited  
N.J.S.A. 18A:36-39 Notification by school to certain persons using certain electronic devices; fine  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
 17 U.S.C. 101 - United States Copyright Law  
 47 CFR 54.503(d) - Competitive Bidding; Gift Restrictions  
 47 U.S.C. 254(h) - Children’s Internet Protection Act  
State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).  
O’Connor v. Ortega 480 U.S. 709 (1987)  
Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:** 1111 District publications  
 3514 Equipment  
 3543 Office services  
 3570 District records and reports  
 4118.2/4218.2 Freedom of speech (staff)  
 5114 Suspension and expulsion  
 5124 Reporting to parents/guardians  
 5131 Conduct/discipline  
 5131.1 Harassment, intimidation and bullying  
 5131.5 Vandalism/violence  
 5142 Student safety  
 5145.2 Freedom of speech/expression (students)  
 6144 Controversial issues  
 6145.3 Publications  
 6161 Equipment, books and materials

**PERSONAL ELECTRONIC DEVICES**

Students

Students shall not display, use activate, or permit cell phones to be activated in any school building during the instructional day, without the expressed permission of the teacher and/or principal or his/her designee. Students causing a disruption to the educational program by using personal electronic communication devices in violation of board policy shall be subject to disciplinary measures according to the code of student conduct.

The instructional day includes, but is not limited to, lunch break, class changes, and any other structured or non-structured instructional activity that occurs during the normal school day. Students are responsible to ensure that their cell phones are in silent mode or turned off and out of sight.

Individual classroom arrangements may be made by teaching staff with the principal for the use of personal communication devices as part of the instructional program.

Because of the threat to privacy and the integrity of individual students and staff members and the educational program, the use of a camera function or other recording function of a cell phone and other electronic devices is strictly prohibited on school premises or at school activities. The use of cell phones and other electronic devices is prohibited in restrooms, locker rooms and shower facilities.

Permitted Use

Cell phones and other electronic devices may be used before the instructional school day and after the official dismissal at the end of the instructional school day provided such use does not create a distraction or disruption.

Cell phones and other electronic devices are not to be used by students participating in before-school or after-school activities unless approved by the staff member in charge.

Externally Monitored GPS Tracking Devices with and without Recording Technology

Externally monitored tracking devices given to or placed on students or on the students' property for the purpose of monitoring and/or recording a student's location and or activities during the school day shall only be permitted to be turned on or activated after the school day. When such devices are determined to be a necessary component of the student's individualized educational program (IEP), the teacher shall be notified, and the device used in accordance with the student's IEP.

Such devices found on students shall be deactivated and/or confiscated. Parents/guardians shall be notified if a device is confiscated and shall be responsible for reclaiming and picking-up the device.

Policy Implementation

Any staff member having knowledge or reasonable suspicion of the unauthorized possession or use of a cell phone by a student should promptly report this information to the principal or his/her designee.

Any student who violates this policy will be subject to disciplinary action which may include, but is not limited to, parent/guardian notification, confiscation and privilege denial.

The district shall not be liable for damage, loss or theft of any personally owned electronic device.

Emergency Use

Cell phone and other electronic communication devices may be used at any time in the event of an emergency. An emergency is defined as any event in which there is imminent danger of bodily injury or loss of life or damage to property.

First Reading: July 27, 2022  
 Second Reading: August 25, 2022  
 Adopted: **August 25, 2022**

<u>Legal References:</u>	<p><u>N.J.S.A.</u> 18A:6-10</p> <p><u>N.J.S.A.</u> 18A:11-1</p> <p><u>N.J.S.A.</u> 18A:27-4</p> <p><u>N.J.S.A.</u> 18A:54-20</p>	<p>Dismissal and reduction in compensation of Persons under tenure in a public school system</p> <p>General mandatory powers and duties</p> <p>Power of boards of education to make rules governing employment of teacher, etc.</p> <p>Powers of board (county vocational schools)</p>
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<u>Possible Cross References</u>	4119.26/4219.26	Electronic Communication by School Staff
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CAREER AND TECHNICAL EDUCATION

The Elizabeth Board of Education believes that constructive attitudes and concepts involving the dignity of all kinds of work belong in the curriculum from the beginning grades. Therefore, in fulfillment of the New Jersey Student Learning Standards, the board shall develop and implement a comprehensive guidance and counseling system that is designed to provide students opportunities to enhance career awareness, exploration, preparation, and decision-making skills necessary for success in the workplace. The board shall ensure that educational programs shall continuously expose students to the nature of the wide variety of careers available. The 21st Century Life and Careers Student Learning Standard shall be infused into the curriculum throughout the grades in age appropriate activities. When any hands-on experience requires use of power tools, etc., all eye protection and other appropriate safety regulations shall be observed.

Career Education and Counseling

The board shall develop and implement a comprehensive guidance and academic counseling program for all students to facilitate career awareness, exploration, and preparation in accordance with N.J.A.C. 6A:8-3.2. This program shall:

- A. Be linked to the New Jersey Student Learning Standards;
- B. Be infused throughout the K-12 curriculum;
- C. Be supported by professional development programs;
- D. Take into consideration the American School Counselor Association's National Standards for School Counseling Programs;
- E. Provide developmental career guidance and academic counseling linked to the New Jersey Student Learning Standards designed to:
  - 1. Assist students in making and implementing informed educational and career choices, including opportunities to change career focus;
  - 2. Support students' academic attainment, career development, and personal/social development;
  - 3. Develop the student's understanding of the relationship between academic attainment, career development, and personal/social development;
  - 4. Encourage students to create and maintain portfolios consisting of student accomplishments in academic and career oriented work;
- F. The board shall ensure that students with disabilities (age 14 or younger), if determined appropriate by IEP, have career and academic counseling coordinated with transitional services in accordance with N.J.A.C. 6A:14-3.7;

CAREER AND TECHNICAL EDUCATION (continued)

- G. The board shall develop and implement curriculum and instructional methods that:
1. Are integrated with technological literacy;
  2. Provide all students with an understanding of the career application of knowledge and skills learned in the classroom; and
  3. Provide all students with the opportunity to apply knowledge and skills learned in the classroom to real or simulated career challenges.
- H. The board will develop and implement for all students a system of career development activities that:
1. Offers the opportunity to explore career interests within, one or more of the Career Clusters (listed below) that are linked to the New Jersey Student Learning Standards;
  2. Allows district boards of education to select the appropriate format for offering career-development activities based on district resources, community needs and student interest;
  3. Allows the board to select an appropriate delivery format that may include an integrated curriculum based on the New Jersey Student Learning Standards or specialized programs that reflect the needs of students and the community; and
  4. Instills the concept of the need for continuous learning throughout one's life.
- I. The board shall offer all high school students the opportunity to actively explore career interests by participation in structured learning experiences that are linked to the New Jersey Student Learning Standards:
1. Structured learning experiences should give students opportunities to demonstrate and apply a high level of academic attainment and to develop career and personal/social goals;
  2. Interested students may voluntarily select structured learning experiences that are co-curricular or extra-curricular activities and taking place within the school district, at a work site, or in the community;
  3. The board shall ensure students participating in school-sponsored, paid, or unpaid external structured learning experiences are supervised by school personnel and conform to federal and state law.

The board directs the chief school administrator or his or her designee to take reasonable measures to expand student awareness of and encourage participation in fields that are non-traditional for their sex, and to expand both access to and success in high-growth fields for both men and women.

Career and Technical Education Programs

For purposes of this policy, "career and technical education" means organized educational activities that: offer a sequence of courses that provide individuals with the coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in current or emerging professions; provide technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree; may include prerequisite courses (other than a remedial course) that meet the requirements of this definition; and include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills,

CAREER AND TECHNICAL EDUCATION (continued)

and occupation-specific skills, and knowledge of all aspects of an industry. To ensure that all students have access to career and technical instruction:

- A. The existence of the same career and technical education program at this district shall not negate a student's right to apply to and, if accepted, attend a county vocational school, subject to the following limitations:
1. The board shall not be responsible for the tuition and transportation costs of any resident student admitted to the vocational school within this county, when the district's vocational school (pursuant to N.J.S.A. 18A:54-5 et seq.), offers the same program as the county vocational school where the student has been admitted. A program shall be deemed the same if it is approved by the Department Education and is assigned the same Classification of Instructional Programs (CIP) code, and meets or exceeds all applicable program performance standards; and
  2. The board shall not be responsible for the tuition, transportation costs, and nonresident fee (where applicable) of any resident student admitted to a county vocational school outside this county when the district's vocational school (pursuant to N.J.S.A. 18A:54-5 et seq.), or the local county vocational school, offers the same program as the non-resident county vocational school where the student has been admitted. A program shall be deemed the same, for purposes of this section, if it is approved by the Department in accordance with N.J.A.C. 6A:19-3.1 and 3.2, is assigned the same Classification of Instructional Programs (CIP) code, and meets or exceeds all applicable program performance standards.
- B. The chief school administrator shall allow county vocational schools and their designated representatives' reasonable opportunity, during school hours, to present information about the county vocational schools' programs to students in local districts in grades six through 12. The district may not in any manner inhibit student access to such information.

Career and Technical Instruction

Career and technical instruction shall be designed to prepare individuals:

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

District Career and Vocational Programs

The board shall provide secondary and postsecondary students with career and technical education programs and programs of study in Department-recognized Career Clusters that, in fulfillment of the New Jersey Student Learning Standards, shall:

- A. Include implementation of curriculum and instructional methods that incorporate academic and technical standards;

CAREER AND TECHNICAL EDUCATION (continued)

- B. Include structured learning experiences (SLE) that are supervised, in-depth learning experiences aligned to the New Jersey Student Learning Standards that are designed to offer students the opportunity to more fully explore career interests within one or more of the Career Clusters. SLEs are designed as rigorous activities that are integrated into the curriculum and that provide students with opportunities to demonstrate and apply a high level of academic and/or technical skills, and develop personal, academic, and career goals;
- C. Address industry standards, where available;
- D. Provide a variety of learning experiences to best serve the multiple learning styles of students;
- E. Provide for multiple pathways to prepare for careers and gainful employment, and/or continuing education, such as college, postsecondary career and technical education, specialized certification, and/or registered apprenticeships;
- F. Encourage life-long learning and productive citizenship.

The chief school administrator shall seek and use all available state, federal and private sources of revenue for the financial support of career and technical education in this district. The chief school administrator will develop regulations by which the career and technical education program shall be annually evaluated.

Levels of Performance

The board of education shall meet the levels of performance prescribed by the Department of Education in accordance with N.J.A.C. 6A:19-5.1, in the following areas:

- A. For secondary students, and postsecondary students in two- and four-year institutions of higher education:
  - 1. Academic attainment in reading/language arts;
  - 2. Technical skill attainment;
  - 3. Student graduation rates;
  - 4. Academic attainment in mathematics;
  - 5. Placement-employment, postsecondary education, or advanced training, or military service;
  - 6. Non-traditional student participation; and
  - 7. Non-traditional student completion.
- B. For postsecondary students in county vocational school districts:
  - 1. Technical attainment;
  - 2. Credential, certificate, or degree attainment;
  - 3. Placement-employment, further education, or military service;
  - 4. Retention-education, employment, or military service;
  - 5. Non-traditional student participation; and
  - 6. Non-traditional student completion.

CAREER AND TECHNICAL EDUCATION (continued)

All students shall have equal and bias-free access to career and technical education programs and a full range of possible occupational, professional, and career and technical education choices including careers in the science and technology industries and nontraditional careers, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional/sexual orientation, gender, gender identity or expression, religion, pregnancy, disability, English proficiency, immigration status, housing status or socioeconomic status.

The board of education shall strive to make continuous and significant improvement in career and technical achievement of career and technical education students, and levels of performance shall be objective, quantifiable, and measurable. The board shall also identify in the local plans the level of performance targeted for each of the core indicators of performance.

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

Date:	November 13, 1986
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	June 30, 2011
First Reading:	June 9, 2011
Second Reading:	June 30, 2011
Revised:	November 17, 2016
First Reading:	September 22, 2016
Second Reading:	November 17, 2016
NJSBA Review/Update:	December 2018
<b>Readopted:</b>	June 13, 2019

**New Jersey Career Clusters:**

Agriculture, Food and Natural Resources  
 Architecture and Construction  
 Arts, A/V Technology and Communications  
 Business Management and Administration  
 Education and Training  
 Finance  
 Government and Public Administration  
 Health Science  
 Hospitality and Tourism  
 Human Services  
 Information Technology  
 Law, Public Safety, Corrections and Security  
 Manufacturing  
 Marketing  
 Science, Technology, Engineering and Mathematics  
 Transportation, Distribution and Logistics

CAREER AND TECHNICAL EDUCATION (continued)

<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:38-36	Employment certificates to part-time students; revocation
	<u>N.J.S.A.</u> 18A:40-12.1, -12.2	Protective eye devices required for teachers, students and visitors in certain cases
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.S.A.</u> 18A:54E-1 through -5	Business and school partnerships
	<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
	<u>N.J.A.C.</u> 6A:8-2.2	Authority for the state plan for vocational education
	<u>N.J.A.C.</u> 6A:8-3.2	Career education and counseling
	<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
	<u>N.J.A.C.</u> 6A:9B-1.1 <u>et seq.</u>	State board of examiners and certification
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:9B-9.4, -11.3, -14.19 through -14.21	
	<u>N.J.A.C.</u> 6A:19-1.1 <u>et seq.</u>	Career and technical education programs and standards
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:19-1.2, -2.1, -2.3, -3.1, -5.1, -5.2, -6.1, -6.5, -6.7, -6.8	
	<u>N.J.A.C.</u> 6A:23A-17.4	Method of determining tuition rates for county vocational schools
	<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:26-12.2, -12.5	
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>Carl D. Perkins Career and Technical Education Act of 2006, P.L.109-270</u>	

**Possible**

<b><u>Cross References:</u></b>	*3220/3230	State funds; federal funds
	*3516	Safety
	*5142	Student safety
	*5145.4	Equal educational opportunity
	*6010	Goals and objectives
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6142.2	English as a second language; bilingual/bicultural

HIV PREVENTION EDUCATION

The Elizabeth Board of Education believes HIV education should be integrated into the comprehensive health education curriculum, but may also be applied to other curriculum areas.

The district HIV education program must address, at a minimum, the nature, transmission, prevention and effects of the disease. The program shall be provided through a coordinated sequential elementary and secondary curriculum, taking into consideration the age, growth, development and maturity of the students and the subject matter of the course. Development of the program should take into account the instructional needs of all students in the district.

The chief school administrator shall ensure that the information presented as a part of the HIV prevention education program is articulated in such a way that transition from grade to grade in the elementary schools and from elementary to secondary approaches to the material will be appropriate for all students.

The chief school administrator shall be responsible for the preparation and development of an HIV prevention education program, with active consultation and participation of an advisory committee that may consist of teachers, administrators, parents/guardians, students (as appropriate), physicians, members of social and health service agencies, members of the clergy and representative members of the community. The board shall appoint the members of the committee upon the recommendation of the chief school administrator. The advisory committee shall be responsible for reviewing the instructional program and all materials to be used and, through the chief school administrator, of recommending same for board adoption.

The chief school administrator shall ensure that all staff involved in teaching the HIV prevention education program are properly certified for the subject area in which they are teaching and adequately prepared to teach the material. As necessary, appropriate staff training shall be provided.

Upon request, the HIV education curriculum will be made available to parents/guardians for their review. The chief school administrator will establish procedures whereby students whose parents/guardians present to the building principal a signed statement that a designated part of the instruction is in conflict with his/her conscience, morals or religious beliefs will be excused from that part of the curriculum. An alternative educational opportunity shall be provided during the time a student is excused from part or the entire program. The alternative educational opportunity will include topics that do not conflict with the parents/guardians beliefs but fall within the same subject area (i.e. comprehensive health education) as the program from which the student is excused. There shall be no loss of class credit or credit toward graduation from such an exemption.

The chief school administrator shall establish a process for evaluating and updating the HIV prevention education program to incorporate new information. Any such revisions shall be implemented after consultation with and review by an advisory committee as described above.

HIV PREVENTION EDUCATION (continued)

The board of education alone, upon the recommendation of the chief school administrator, shall determine the content, sequence, and materials of the HIV prevention education program. The board shall ensure compliance with all requirements of state and federal law concerning the content of the curriculum and distribution of materials.

Date: March 9, 1989  
 Revised: June 25, 2009  
 First Reading: June 11, 2009  
 Second Reading: June 25, 2009  
 Second Revision: June 24, 2010  
 First Reading: June 10, 2010  
 Second Reading: June 24, 2010  
 NJSBA Review/Update: December 2018  
**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study  
N.J.S.A. 18A:35-4.7 Parents statement of conflict with conscience  
N.J.S.A. 18A:35-4.19 AIDS Prevention Act of 1999  
 through-4.22  
N.J.S.A. 26:5c-1 et seq. Acquired Immune Deficiency Syndrome  
N.J.A.C. 6A:8-3.1(d) Curriculum and instruction  
N.J.A.C. 6A:16-2.1(a)7 Health services policy and procedural requirements  
N.J.A.C. 8:61-1.1 et seq. Participation and Attendance at School by Individuals with HIV Infection  
N.J.A.C. 12:100-4.2 Safety and Health Standards for Public Employees (Adoption by reference)

29 CFR 19910.1030 - Bloodborne Pathogens Standard

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

S. T. v. Board of Education of the City of Millville, 1986 S.L.D. (December 24), aff'd St. Bd.

**Possible**

**Cross References:** \*1220 Ad hoc advisory committees  
 \*4131/4131.1 Staff development; inservice education/visitations/conferences  
 \*5124 Reporting to parents/guardians  
 \*5131.6 Drugs, alcohol, tobacco (substance abuse)  
 \*5141 Health  
 \*5141.2 Illness  
 \*5145.4 Equal educational opportunity  
 \*6122 Articulation  
 \*6140 Curriculum adoption  
 \*6141 Curriculum design/development

HIV PREVENTION EDUCATION (continued)

- \*6142 Subject fields
- \*6142.1 Family life education
- \*6142.4 Physical education and health
- \*6144 Controversial issues
- \*6146 Graduation requirements
- \*6161.2 Complaints regarding instructional materials
- \*6300 Evaluation of the instructional program

CURRICULUM GUIDES

The chief school administrator shall oversee development of curriculum guides for every course and area of study for every grade level. Each guide shall contain objectives for concepts and skills to be taught and attitudes to be developed; necessary study skills; suggested materials and activities designed to achieve all of these; and evaluation criteria intended to test the extent to which learning objectives have been met. Curriculum guides shall include all requirements of the New Jersey Student Learning Standards.

Teachers shall use the guides as the core of their instructional planning. It shall be the responsibility of the building principal to ensure that curriculum guides are being followed.

It shall be the responsibility of the building principal to ensure that curriculum guides are being followed.

A copy of each guide in use shall be kept on file in each school office. Such guides shall be available for public inspection.

Because curriculum guides are the means of implementing instruction in courses adopted by the board as the curriculum of the district, the board shall approve any new curriculum guides or any revision to an existing guide before they are put into effect.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
**Readopted:** June 13, 2019

**Legal References:** N.J.A.C. 6A:8-1.3 Definitions  
N.J.A.C. 6A:8-2.1 et seq. The New Jersey Student Learning Standards  
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards  
N.J.A.C. 6A:8-5.1 Graduation requirements  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

**Possible**

**Cross References:** \*6122 Articulation  
\*6140 Curriculum adoption  
\*6141 Curriculum design/development  
\*6142 Subject fields  
\*6142.2 English as a second language; bilingual/bicultural

CURRICULUM GUIDES (continued)

\*6147 Standards of proficiency

LESSON PLANS

All teachers are required to maintain and use an updated curriculum guide for preparation of lesson plans for each subject taught. Lesson plans must include objectives which specify what students should know, or be able to do, at the completion of that lesson. Lesson plans should be prepared in enough detail with enough clarity to enable a substitute teacher to carry on the program during the absence of a teacher.

When the teacher plans to use materials not included in the curriculum guide, he/she should list these materials in the lesson plan.

The building principal shall check lesson plans on a regular basis.

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<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:8-2.1 <u>et seq.</u>	The New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

**Possible**

**Cross References:** \*4115 Supervision  
\*4116 Evaluation  
\*4121 Substitute teachers  
\*6010 Goals and objectives  
\*6142 Subject fields  
\*6143 Curriculum guides

CONTROVERSIAL ISSUES

Free discussion of controversial issues--political, economic, social--shall be encouraged in the classroom whenever appropriate for the level of the group.

Issues may be considered controversial which arouse strong reactions, based either on personal conviction or allegiance to a group. School treatment of controversial issues shall be designed to instruct students in fair and objective study techniques. The decision on whether a particular controversial issue shall become a matter for school study shall be based on the timeliness of the question, the maturity and needs of the students and the purposes of the schools. Classroom discussions on controversial questions which arise unexpectedly shall be the responsibility of the teacher, who shall provide relevant information on both sides of the question. Such discussions shall be kept free from the assumption that there is one correct answer that should emerge from a discussion and be taught authoritatively to the students.

Students shall be taught to recognize each other's right to form an opinion on controversial issues, and shall be assured of their own right to do so without jeopardizing their relationship with the teacher or the school.

When public employees make statements pursuant to their official duties: in the classroom, at board meetings, and at other meetings related to educational issues affecting the district, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline (Garcetti v. Ceballos).

The building principal shall have the authority to limit or suspend discussion of controversial issues pending a review of the issue/materials. Instructional materials not previously approved must be reviewed by the principal before being introduced into the classroom.

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**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Student Protection Rights Amendment - 20 U.S.C. 1232h

CONTROVERSIAL ISSUES (continued)

Tenure Hearing of William Lee Johnson, Clearview Regional School District, 79 S.L.D. 267; 79 S.L.D. 273 aff'd with deletion of paragraph

Garcetti v. Ceballos 2006 U.S. LEXIS 4341(May 2006)

**Possible**

**Cross References:** \*1312 Community complaints and inquiries  
5145 Rights  
\*6115 Ceremonies and observances  
\*6141.2 Recognition of religious beliefs and customs  
\*6145.3 Publications  
\*6161.1 Guidelines for evaluation and selection of instructional materials  
\*6161.2 Complaints regarding instructional materials

EXTRACURRICULAR ACTIVITIES

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

The purpose of extracurricular activities shall be:

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

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

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

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

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

EXTRACURRICULAR ACTIVITIES (continued)

fully informed of the opportunities open to them.

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

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

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

All students in good disciplinary and academic standing shall have equal access to all extracurricular activities regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity and expression, religion, disability, immigration status, English proficiency, housing status or socioeconomic status. The district shall ensure equity in educational programs including extracurricular activities and provide opportunities for students to interact positively with others on a nondiscriminatory basis.

Good Disciplinary Standing

Good disciplinary standing shall mean that a student is not eligible to participate while serving a detention or suspension. Students on disciplinary probation or serving a detention or suspension may not practice, perform or compete.

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

Good Academic Standing

Good academic standing at the beginning of the school year for all grades, seven through 12, means successful completion of the previous year's requirements, with no failures.

For those activities commencing immediately upon return to school in September, initial eligibility will be determined at the time of the first progress report. Grades from the previous year will not be taken into account. During the school year all students will have their grades monitored regularly.

EXTRACURRICULAR ACTIVITIES (continued)

Continuing good academic standing requires maintenance of passing grades in all subjects during the current year, and in grade 12 taking enough course credits to complete the high school graduation requirement by the end of the academic year.

A student who begins the year not in good academic standing, who maintains a passing grade in every subject may request consideration to participate in extracurricular activities at the beginning of the second semester.

Attendance

The district's attendance policy shall also apply.

Implementation

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

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NJSBA Review/Update:	December 2018
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<b>Legal References:</b>	<u>N.J.S.A.</u> 10:5-1 et seq.	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:11-3	Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
	<u>N.J.S.A.</u> 18A:19-14	Funds derived from student activities
	<u>N.J.S.A.</u> 18A:35-20	Participation in courses in which verbalization unessential to understanding of subject matter; location of and children in bilingual programs
	<u>N.J.S.A.</u> 18A:42-5, -6	Certain student organizations
	declared harmful ...	
<u>N.J.S.A.</u> 34:13A-1 et seq.	<u>New Jersey Employer-Employee Relations Act</u>	
<u>N.J.A.C.</u> 6A:7-1.1 et seq.	Managing for Equality and Equity in Education	
<u>N.J.A.C.</u> 6A:8-3.2	Career education and counseling	
<u>N.J.A.C.</u> 6A:9B-5.16	Athletics personnel	
<u>N.J.A.C.</u> 6A:16-2.2	Required health services	

EXTRACURRICULAR ACTIVITIES (continued)N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School DistrictsN.J.A.C. 6A:32-9.1 et seq. Athletics Procedures20 U.S.C.A. 4071-4074 - Equal Access Act20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1, 278 N.J. Super. 31 (App. Div. 1994) cert. den. 140 N.J. 277 (1994)Good News Club v. Milford Central School, 121 U.S. 2093 (2001)

The Comprehensive Equity Plan, New Jersey Department of Education

NJSIAA Constitution, Bylaws, Rules and Regulations

**Possible****Cross References:**

1210	Community organizations
1320	Participation in out of school community activities
*1322	Contests for students
*2224	Nondiscrimination/affirmative action
*3453	School activity funds
4143/4243	Extra pay for extra work
*5113	Absences and excuses
*5126	Awards for achievement
*5131	Conduct/discipline
*5136	Fund-raising activities
5143	Insurance
*5145.4	Equal educational opportunity
*6010	Goals and objectives
*6142	Subject fields
6142.5	Travel and exchange programs
*6142.12	Career and technical education
*6145.1/6145.2	Intramural competition; interscholastic competition
6145.4	Public performances and exhibitions
6145.5	Student organizations
6145.7	Social events/meetings
*6146	Graduation requirements
*6153	Field trips

INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION

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

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

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

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

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

Parental Consent

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

Academic Eligibility

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

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

Attendance Standards

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

Disciplinary Standards

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

Special Education Students

To participate in interscholastic competition, special education students must meet the same requirements listed above and the physical eligibility requirements. Reasonable modifications must be provided to each qualified student seeking to participate in an extra-curricular activity. However, a modification may be denied if, based on an individualized assessment, the modification presents an objective health or safety risk to the student or to others, or where the modification would result in a fundamental alteration to the nature of the program. A fundamental alteration is a modification that provides an objective advantage or disadvantage or requires a change in the rules of competition.

Charter School Students

A district resident student enrolled as a full-time student in grades 9-12 at a charter school who wishes to participate in a particular sport that is not offered by the charter school may participate in the sport if offered by this district upon agreement of both principals. The number of sports programs offered at the charter school shall not factor into the agreement to allow the student to participate.

Charter school students shall be subject to the eligibility requirements and rules for participation for the sport and the district code of student conduct.

Equality and Equity in Athletic Programs

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

- A. Relatively equal numbers of varsity and sub-varsity teams for male and female students;
- B. Equitable scheduling of night games, practice times, locations and number of games for male and female teams;

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

- C. Equitable treatment that includes staff salaries, purchase and maintenance of equipment and supplies;
- D. Comparable facilities for male and female teams.

Physical Eligibility

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

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

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

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

- A. A medical history questionnaire, completed by the parent/guardian of the student, to determine if the student:
  - 1. Has been medically advised not to participate in any sport, and the reason for such advice;
  - 2. Is under a physician's care and the reasons for such care;
  - 3. Has experienced loss of consciousness after an injury;
  - 4. Has experienced a fracture or dislocation;
  - 5. Has undergone any surgery;
  - 6. Takes any medication on a regular basis, the names of such medication and the reasons for such medication;
  - 7. Has allergies including hives, asthma and reaction to bee stings;
  - 8. Has experienced frequent chest pains or palpitations;

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

9. Has a recent history of fatigue and undue tiredness;
10. Has a history of fainting with exercise;
11. Has a history of family members dying suddenly.

B. A physical examination which shall include, as a minimum, no less than:

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

Varsity Letters

A student enrolled in grades 9-12 who participates in any school-sponsored, interscholastic extracurricular activity that includes competitions in which the student competes against students enrolled in schools outside of the district may be eligible to earn a varsity letter awarded by the district. The activity leader or athletic coach may as he or she deems appropriate, submit criteria for awarding varsity letters to the chief school administrator or his or her designee for approval. The chief school administrator or his or her designee shall approve the criteria for each school-sponsored, interscholastic extracurricular activity that includes competitions prior to varsity letters being awarded.

The activity leader or the athletic coach shall be responsible for development of the criteria for determining outstanding performance that qualifies a student to earn a varsity letter in the activity. The criteria shall apply to all participants in the activity and may include but are not limited to:

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

- A. The number of participants in the activity;
- B. The length of time the student has participated;
- C. The percentage of competitions the student has participated in;
- D. Attendance at practices and competitions;
- E. Indicators of outstanding effort, performance and teamwork.

The district shall not be required to award a varsity letter or to establish any school-sponsored, interscholastic extracurricular activity.

Insurance

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

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

Pamphlet on Sudden Cardiac Arrest

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

Fact Sheet on the Use and Misuse of Opioid Drugs

Once each school year, the chief school administrator or designee shall distribute to parents/guardians of students participating in the interscholastic sports program or cheerleading program the educational fact sheet developed by the Commissioner of Education in consultation with the Commissioner of Health that provides information concerning the use and misuse of opioid drugs in the event that a student-athlete or cheerleader is prescribed an opioid for a sports-related injury. The district shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his/her parent or guardian.

Good Sportsmanship

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

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

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

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

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

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

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First Reading:	October 19, 2017
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<b>Legal References:</b>	<u>N.J.S.A.</u> 5:17-1 <u>et seq.</u>	Athletic code of conduct permitted; “youth sports event” defined...
	<u>N.J.S.A.</u> 18A:11-3	Voluntary associations regulating conduct of student activities; membership; rules and regulations; appeals
	<u>N.J.S.A.</u> 18A:26-2.1 <u>et al.</u>	Certification of director of athletics
	<u>N.J.S.A.</u> 18A:36-20	Discrimination; prohibition
	<u>N.J.S.A.</u> 18A:40-41	Pamphlet on sudden cardiac death
	<u>N.J.S.A.</u> 18A:40-41.10	Educational fact sheet relative to use, misuse of opioid

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

	drugs for sports-related injuries
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance abuse
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:40A-9, -10, -11	
<u>N.J.S.A.</u> 18A:42-2	School orchestra not to compete with civilian musicians; exceptions
<u>N.J.S.A.</u> 18A:42-7	Participants in certain interscholastic extracurricular activities may earn varsity letter
<u>N.J.S.A.</u> 18A:43-1	Accident insurance for students authorized
<u>N.J.A.C.</u> 6A:7-1.4	Responsibilities of the district board of education
<u>N.J.A.C.</u> 6A:7-1.7	Equality in school and classroom practices
<u>N.J.A.C.</u> 6A:9B-5.15	Persons employed to coach for swimming or diving programs
<u>N.J.A.C.</u> 6A:9B-5.16	Athletics personnel
<u>N.J.A.C.</u> 6A:11-4.14	Sports programs
<u>N.J.A.C.</u> 6A:16-2.1 <u>et seq.</u>	General Provisions for School Health Services
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-2.2	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-9.1 <u>et seq.</u>	Athletic Procedures
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:32-9.1(c), -9.1(d-e)	
20 <u>U.S.C.A.</u> 1681 <u>et seq.</u>	- Title IX of the Education Amendments of 1972
29 <u>U.S.C.A.</u> 794 <u>et seq.</u>	- Section 504 of the <u>Rehabilitation Act of 1973</u>
<u>Krupp v. Bd. of Ed. of Union County Reg. H.S. Dist. #1</u> , 278 <u>N.J. Super.</u> 31 (App. Div. 1994) cert. den. 140 <u>N.J.</u> 277 (1994)	
NJSIAA Constitution, Bylaws, Rules and Regulations	
The Comprehensive Equity Plan, New Jersey State Department of Education	

**Possible**

**Cross References:**

*1322	Contests for students
1500	Relations between area, county, state, regional and national associations and the district
*3250	Income from fees, fines, charges
*3453	School activity funds
3530	Insurance management
*3541.31	Privately owned vehicles
4143	Extra pay for extra work
*5125	Student records
*5126	Awards for achievement
*5131	Conduct/discipline
*5131.1	Harassment, intimidation and bullying
*5141.1	Accidents

INTRAMURAL COMPETITION;  
INTERSCHOLASTIC COMPETITION (continued)

- \*5141.3 Health examinations and immunizations
- \*5141.8 Sports related concussion and head injury
- 5143 Insurance
- \*5145.4 Equal educational opportunity
- \*6121 Nondiscrimination/affirmative action
- \*6142.4 Physical education and health
- \*6145 Extracurricular activities
- 6145.4 Public performances and exhibitions
- \*6146 Graduation requirements
- \*6147.1 Evaluation of individual student performance

**Regulation**

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INTERSCHOLASTIC COMPETITION  
(Prevention and Care of Athletic Injuries)

The components of the district program for prevention and care of athletic injuries are medical evaluation, conditioning and medical care.

The program of activities or sports to be employed by the Elizabeth Public Schools in competitive contests, games or events or in exhibitions with individual students or teams of one or more schools of the same district, or of other districts, must be approved annually by the chief school administrator and by the board of education.

Each candidate for membership on a school athletic squad or team shall be given a complete physical examination by the chief medical inspector or one of the staff doctors prior to the first practice session. The student shall receive a medical record card signed by the chief medical inspector or staff doctor testifying to the candidate's physical fitness or lack of physical fitness to participate in the selected sport. The reasons therefore, and the doctor's approval or disapproval for the candidate's participation, shall be registered on the medical record card. The health findings of the medical examination shall be made a part of the general medical examination record of the student.

A report of a medical examination by a private physician will not be accepted.

Every candidate for a place on a school athletic squad or team shall submit a form furnished by the Board of Education conveying consent by a parent/guardian for the student's participation. This signed consent form is required before the student is eligible to have a physical examination.

In addition, the student representing the school in interscholastic athletic competition and a parent/guardian shall sign a form furnished by the Board of Education, the wording of which shall embody a request to be enrolled as a candidate for a place on a school team in a specified sport. The student and parent/guardian must execute an acknowledgment that physical hazards may be encountered.

Each coach is responsible for preparing a team roster consisting of the information listed below:

- A. Name of student, homeroom, and grade;
- B. Date of physical examination and doctor's name;
- C. Physical examination date checked by school nurse;

INTERSCHOLASTIC COMPETITION (regulation continued)

D. Parental consent form checked and restrictions indicated.

During the preseason and season, the conditioning of student athletes is part of the program designed to prevent injuries from occurring. This aspect of the program consists of weight training, exercise and running supervised by the head coach and/or one of the assistant coaches.

During the season, the district's chief medical inspector or staff physician is to be present at all home varsity football games. In addition, at least one nationally certified team trainer as well as an ambulance with paramedic personnel are to be in attendance. A certified trainer is to be in attendance or on call for all practice sessions in junior varsity, sophomore and freshman football games. No district football game will start until a staff physician is in attendance.

A certified trainer is to be available for all athletic events in accordance with the administrative code. The following process shall take place in the event of an injury to a student athlete:

- A. Initial evaluation of the injury is to be made by the chief medical inspector, staff physician or the team trainer in attendance;
- B. Should the extent of the injury be suspect, the parent/guardian is to be notified immediately and in consultation with the chief medical inspector or staff physician in attendance shall provide for further medical evaluation;
- C. An insurance claim form will accompany the athlete when further evaluation is required;
- D. A school injury accident form is to be completed and filed by the trainer. Copies are to be forwarded to
  - 1. Principal;
  - 2. School business administrator/board secretary;
  - 3. Director, elementary and secondary education.

The written recommendations for the treatment of the injury are to be forwarded to the head trainer who should consult with the chief medical inspector to determine a rehabilitation program for the athlete. In the case of severe injury, a student athlete may not participate in athletics until the chief medical inspector reviews the case and approves the athlete's participation.

Pamphlet on Sudden Cardiac Arrest

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

All athletes shall be given a copy of the pamphlet on sudden cardiac death.

INTERSCHOLASTIC COMPETITION (regulation continued)Fact Sheet on the Use and Misuse of Opioid Drugs

Once each school year, the chief school administrator or designee shall distribute to parents/guardians of students participating in the interscholastic sports program or cheerleading program the educational fact sheet developed by the Commissioner of Education in consultation with the Commissioner of Health that provides information concerning the use and misuse of opioid drugs in the event that a student-athlete or cheerleader is prescribed an opioid for a sports-related injury.

All athletes or cheerleader and his/her parent or guardian shall be given a copy of Opioid Fact Sheet and shall submit a signed acknowledgment of the receipt of the fact sheet.

Date:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	June 30, 2011
First	Reading: June 9, 2011
Second	Reading: June 30, 2011
NJSBA Review/Update:	December 2018
<b>Readopted:</b>	June 13, 2019

**Exhibit**

INTRAMURAL COMPETITION; INTERSCHOLASTIC COMPETITION

USE AND MISUSE OF OPIOID DRUGS FACT SHEET  
STUDENT-ATHLETE AND PARENT/GUARDIAN SIGN-OFF

*[The New Jersey Department of Education developed this template Student-Athlete Sign-Off Form in January 2018 to assist schools with adhering to state statute requiring student-athletes (and their parents/guardians, if the student is a minor) to confirm they have received an Opioid Fact Sheet from the school. School districts, approved private schools for students with disabilities, and nonpublic schools that participate in an interscholastic sports or cheerleading program should insert their district or school letterhead here.]*

In accordance with N.J.S.A. 18A:40-41.10, public school districts, approved private schools for students with disabilities, and nonpublic schools participating in an interscholastic sports program must distribute this [Opioid Use and Misuse Educational Fact Sheet](#) to all student-athletes and cheerleaders. In addition, schools and districts must obtain a signed acknowledgement of receipt of the fact sheet from each student-athlete and cheerleader, and for students under age 18, the parent or guardian must also sign.

This sign-off sheet is due to the appropriate school personnel as determined by your district prior to the first official practice session of the spring season annually and prior to the student-athlete's or cheerleader's first official practice of the school year.

Name of School:

Name of School District (if applicable):

I/We acknowledge that we received and reviewed the Educational Fact Sheet on the Use and Misuse of Opioid Drugs.

Student Signature:

Parent/Guardian Signature (also needed if student is under age 18):

Date:

\*Does not include athletic clubs or intramural events.

Fact Sheet: <http://www.nj.gov/education/students/safety/behavior/atd/opioid/FactSheet.pdf>



### PUBLICATIONS

The Elizabeth Board of Education sponsors student publications as important elements of the instructional program. Students are encouraged to develop skills of written and verbal communication and to exercise the right to express their opinions freely and responsibly.

The rights of free speech, and free expression of students in public schools pursuant to the First Amendment, are not automatically coextensive with the rights of adults in other settings and shall be applied in light of the special characteristics of the school environment. The board of education reserves the right to exercise prepublication control over school-sponsored publications through administrative staff and faculty. Students shall have the right to appeal the exercise of censorship by school district staff to the board of education.

Student expression may be restricted, if it can be determined that such expression is inconsistent with the basic educational mission of the school district and when censorship action is reasonably related to legitimate educational concerns.

Students who violate this policy by expression, publication or distribution of any materials which are biased or prejudiced, vulgar or profane, unsuitable for immature audiences, or which do not meet the school district's high standards of learning and propriety consistent with its educational goals and objectives may be subject to appropriate discipline.

This policy shall be implemented in accordance with regulations to be developed by the chief school administrator. The regulations shall:

- A. Identify school district staff responsible for student publications;
- B. Establish procedures for prepublication review; and
- C. Specify procedures for appeal by students to the board of education with provisions for prompt decisions to be made at each level.

#### Student Freedom of Expression

It is the policy of this district to ensure all students enjoy free speech and free press protections related to school-sponsored media, and to encourage students to become educated, informed and responsible members of society.

No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school or district policy.

#### Definitions

PUBLICATIONS (continued)

“School-sponsored media” means any material that is prepared, substantially written, published, or broadcast by a student journalist at a public school, distributed or generally made available to members of the student body, and prepared under the direction of a student media adviser. School-sponsored media does not include media intended for distribution or transmission solely in the classroom in which the media is produced.

“Student journalist” means a public school student who gathers, compiles, writes, edits, photographs, records, or prepares information for dissemination in school-sponsored media.

“Student media adviser” means an individual employed, appointed, or designated by a school district to supervise or provide instruction relating to school-sponsored media.

Except as otherwise provided in this policy, a student journalist has the right to exercise freedom of speech and of the press in school-sponsored media, regardless of whether the media is supported financially by the school district or by use of school district facilities, or produced in conjunction with a class in which the student is enrolled. A student journalist is responsible for determining the news, opinion, feature, and advertising content of school-sponsored media. This shall not be construed to prevent a student media adviser from teaching professional standards of English and journalism to student journalists.

School-Sponsored Student Media

Student journalists are responsible for determining the news, opinion, feature, and advertising content of school-sponsored student media. Student journalists may create an editorial hierarchy (e.g, student editorial board, editor in chief, section editors, etc.) for determining content.

Student journalists shall strive to:

- A. Make decisions based upon news value and guided by the Code of Ethics provided by the Society of Professional Journalists, National Scholastic Press Association, Journalism Education Association, or other relevant group;
- B. Produce media based upon professional standards of accuracy, objectivity, and fairness;
- C. Review material to improve sentence structure, grammar, spelling, and punctuation;
- D. Check and verify all facts and verify the accuracy of all quotations; and
- E. In the use of editorials or letters to the editor concerning controversial issues, determine the need for rebuttal comments and opinions and provide space therefore if appropriate.

No student journalist shall be disciplined, restrained, or otherwise censored, penalized, or punished when acting in accordance with this section. There shall be no prior restraint by any person of material prepared for school-sponsored media unless it falls within one of the exceptions, listed below.

PUBLICATIONS (continued)

No student shall be sanctioned for operating as an independent journalist.

Administrative prior review shall be rare, if it occurs at all. Sound pedagogical, ethical and legal rationale exist opposing all forms of prior review. Any reason for such prior review shall be clearly communicated to the student journalist in writing at the time student media is restrained, and at no time will school-sponsored student media be held for review longer than 72 hours or more than 24 hours beyond the publication deadline time as established by the student journalist, whichever comes first. Any costs borne by the student media program as a result of delays pertaining to administrative prior review shall be covered by the school.

Student Media Advisers

Student media advisers are responsible for working with and providing guidance to student journalists. Student media advisers provide training in journalistic principles and access to necessary resources, including but not limited to training in journalistic ethics and media law.

Student media advisers may provide feedback to students including teaching professional standards of English and journalism. Student media advisers do not determine, assign, or approve the content of student media, except if the adviser believes the student media has met the criteria for exclusion listed in “Exceptions” below. Such decisions are subject to the appeal process, outlined below.

In the event a student media adviser is not previously trained in journalism, appropriate professional development will be made available by the school district, preferably through the state’s journalism education association, the national Journalism Education Association or other recognized entity aimed at supporting media advisers.

A student media adviser may not be dismissed, suspended, disciplined, reassigned, transferred, or otherwise retaliated against for acting to protect a student journalist engaged in permissible conduct or refusing to infringe on conduct that is protected by the First Amendment to the United States Constitution, paragraph 6 of Article I of the New Jersey State Constitution, N.J.S.A. 18A:36-45, or this policy. No financial decisions relating to the student media program may be based, in whole or in part, on the past, present, or potential content of school-sponsored student media.

Exceptions

This policy does not authorize or protect school-sponsored media that:

- A. Is libelous or slanderous;
- B. Constitutes an unwarranted invasion of privacy;
- C. Is profane or obscene;
- D. Violates federal or state law; or

PUBLICATIONS (continued)

- E. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of a lawful school district policy, or the material and substantial disruption of the orderly operation of the school.

If, in the opinion of a student editor, student editorial staff or faculty adviser, material proposed for a publication may fall within the list of exceptions, above, the board attorney shall be consulted. The final decision of whether the material is to be published or distributed will be left to the student editor or student editorial staff.

District officials must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension. In determining whether student media is disruptive, consideration must be given to the context of the distribution as well as the content of the material. Consideration should be given to past experience in the school with similar material, past experience in the school in dealing with and supervising the students in the school, current events influencing student attitudes and behavior, and whether there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question. Actual or potential heated discussion or debate alone is not sufficient evidence of a material and substantial disruption.

District officials shall have the burden of providing to the student journalist prior written justification for their limitation of school-sponsored media.

Appeals

The student journalist shall have the right, within five business days of receiving the written reason for limitation of school-sponsored student media, to appeal the decision to the chief school administrator.

Appeals must be filed in writing. The chief school administrator shall convene a hearing within five business days. The student journalist shall have the right to have the student's parent or legal guardian and the student media adviser present. The burden of proof shall be on the principal or his or her appointed representative to demonstrate that the media in question has met the criteria for exclusion. The chief school administrator shall render a written decision within 48 hours of the hearing.

The student journalist shall have the right, within five business days of receiving the chief school administrator's written decision, to appeal to the school board. The school board shall hear the appeal at the next regularly scheduled board meeting, or within 10 business days, whichever comes first. The school board shall render a written decision within 48 hours of the hearing.

The decision of the board shall be considered the final determination.

PUBLICATIONS (continued)Web Sites

School-sponsored web sites are also subject to this policy and to the same regulatory constraints as are print publications.

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**Revised: July 19, 2023**  
 First Reading: June 14, 2023  
 Second Reading: July 19, 2023

**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:36-35 School Internet web sites; disclosure of certain student information prohibited  
N.J.S.A. 18A:54-20 Powers of boards (county vocational schools)  
N.J.A.C. 6A:8-3.1 et seq. Implementation of the New Jersey Student Learning Standards

Tinker v. Des Moines Independent School District, 393 U.S. 503 (1969)

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

Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988)

Desilets v. Clearview Regional Board of Education, 137 N.J. 585 (1994)

**Possible**

**Cross References:** \*1111 District publications  
 5145 Rights  
 5145.2 Freedom of speech/expression  
 \*5145.5 Photographs of students  
 \*6142.10 Technology

**Policy**

PUBLIC PERFORMANCES AND EXHIBITIONS

The Elizabeth Board of Education recognizes the value to students of sharing their talents and skills with the community through participation and performance in public events.

The board endorses such performances when:

- A. They constitute a learning experience which contributes to the educational program;
- B. They do not interfere with other scheduled educational activities of the school;
- C. The circumstances of the event do not pose a threat to the health, safety and well-being of the students who will be involved.

No student may be compelled to participate in a public performance or be penalized in any way for failure to do so.

No student may perform at an out-of-school event without the permission of a parent/guardian.

When public performances are scheduled as a regular part of a course of study taken for credit, students shall be informed in advance of their obligation to participate. They will be excused from participation only in accordance with the rules and procedures governing school attendance.

No student, group of students or employee of this board may receive compensation for the performance in public of students organized for a school activity, except as provided in negotiated agreement.

The chief school administrator shall develop procedures to implement this policy which:

- A. Require that all request for public performances by student groups shall be presented to the chief school administrator;
- B. Require that parental permission is sought and received before students may participate;
- C. Protect the interest of our students and guard against their exploitation;
- D. Ensure that appropriate expenses shall be paid by the sponsor.

While the Elizabeth Board of Education encourages the presentation of performances and exhibitions displaying the talents and accomplishments of Elizabeth students, it directs both building and District administration to consider carefully the effects on instructional time of any such proposed activity.

PUBLIC PERFORMANCES AND EXHIBITIONS (regulation continued)

The building principal and directors of activities shall:

- A. Maintain high standards of performance, supervision, and conduct in all programs selected;
- B. Review all program materials and offerings in advance of scheduling to determine sound educational value;
- C. Consult with the chief school administrator (and through the chief school administrator, the board) on possibly controversial presentations;
- D. Make an effort to increase student involvement in planning and make greater use of community resources as opposed to paid professional performances.

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**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:42-2 School orchestra not to compete with civilian  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

**Possible Cross References:** \*5131 Conduct and discipline  
 \*6145 Extracurricular activities  
 \*6145.1/6145.2 Intramural competition; interscholastic competition  
 \*6153 Field trips

STUDENT ORGANIZATIONS AND ASSOCIATIONS

Student self-government and service organizations sponsored by the school have an important place in the educational program because, when properly organized and operated, they:

- A. Extend and reinforce the instructional program;
- B. Provide a learning experience in democratic decision making by giving students practical experience in organizing, planning, and affecting outcomes;
- C. Develop student leadership, initiative and self-control;
- D. Build student morale and a spirit of positive support for the school;
- E. Honor outstanding student achievement; and
- F. Provide wholesome social and recreational activities.

The board shall appoint qualified members of the faculty to serve as advisors to student government activities.

Student Government Association

The board acknowledges the importance of offering students the opportunity to participate in self-government within the school. Students shall have the right to organize, conduct meetings, elect officers and representatives and petition the board.

The board will recognize the student council as the official voice of the students in grades nine through 12.

The student council shall be fully responsible for the planning and organization of its own governance, student social events, fund-raising projects, and activities and projects suggested by the students except that all such activities must first be approved by the chief school administrator and when appropriate the board. The student council shall share the responsibility for the continuing development of a code of student behavior.

The board shall appoint a qualified member of the faculty to serve as advisor to student council activities.

The chief school administrator shall establish rules and regulations to implement this policy which:

ORGANIZATIONS AND ASSOCIATIONS (continued)

- A. Invite the participation of students in their formulation;
- B. Ensure that all students have equal access to the student council and an opportunity to vote and hold office;
- C. Require fiscal accountability and adherence to board policy for all financial aspects of student council activity;
- D. Establish a committee of review composed of students, administrators, teaching staff members, and board members to evaluate the effectiveness of student government activities toward meeting the goals established by this policy;
- E. Require that decisions made and actions taken by the student council organization, in accordance with and within the scope of the constitution approved by the Board, shall not be voided or vetoed by any staff member.

Secret Societies

Membership in secret fraternities, sororities, and clubs is prohibited throughout the school district. The chief school administrator is authorized to develop procedures concerning disciplinary action to be taken for violation of this policy.

Non-School Clubs

All clubs not specifically authorized and organized by the school are considered to be non-school clubs and beyond the jurisdiction and responsibility of school authorities.

However, should these groups (non-school clubs) conduct activities on school property, at school-sponsored activities or as a carry-over into the school day or reflect on the reputation of the school, the chief school administrator is authorized to develop procedures concerning disciplinary action to be taken.

Activities which are contrary to the best interest of the school and reflect on the reputation of the school are forbidden, including:

- A. Initiation and hazing on the school grounds or at school-sponsored events;
- B. Indulging in group functions that violate city laws or county ordinances, and board policy.

Although recognizing that students may belong to any outside organization that they choose, the board shall not permit such organizations to carry out any of their activities in the schools nor to advertise their activities or influence in any way in school buildings.

The board considers the following actions forms of advertising and prohibits:

ORGANIZATIONS AND ASSOCIATIONS (continued)

- A. Wearing, in school, emblems or insignia of such organization, including those worn on sweaters and other articles of apparel;
- B. Wearing, in school, any items which advertise the initiation procedures of such groups, including ribbons, bows or corsages.

Students violating this policy may be subject to disciplinary measures.

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**Legal References:**    N.J.S.A.18A:42-5    Certain student organizations  
                                   N.J.S.A.18A:42-6    Organizations forbidden in high schools; rules; exceptions

**Possible**

**Cross References:**    \*1140    Distribution of materials by students and staff  
                                   1210    Community organizations  
                                   \*1230    School-connected organizations  
                                   1314    Fundraising by outside organizations  
                                   \*1330    Use of school facilities  
                                   \*3400    Accounts  
                                   \*3450    Money in school buildings  
                                   \*3453    School activity funds  
                                   3571    Financial reports  
                                   \*3571.4    Audit  
                                   \*6145    Extracurricular activities

**Policy**

SOCIAL EVENTS/MEETINGS

Social activities in school life assist students in learning how to enjoy worthwhile group events, how to conduct them, and how to contribute to the enjoyment of others. Therefore, school groups and classes may hold social events for their membership with proper authorization and under staff supervision, using school facilities.

No social function shall be held on school property, or be promoted as being a school-related function, without prior authorization by the principal.

The principal and the teaching staff shall evaluate social events in terms of contributions to student growth and morale, and shall develop procedures for scheduling and conducting such events, including proper chaperonage. The central administration shall be informed of all approved events.

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Possible

Cross References:

*1330	Use of school facilities
*3542.1	Wellness and Nutrition
*5113	Attendance, absences and excuses
*5114	Suspension and expulsion
*5131	Conduct and discipline
*5131.6	Substance abuse
*6145	Extracurricular activities
*6153	Fieldtrips

**GRADUATION REQUIREMENTS**

In order to graduate from the Elizabeth Public Schools and receive a state endorsed high school diploma issued by the Elizabeth Board of Education, a student must:

- A. Meet both state and district proficiency standards in the core curriculum content areas; achieve or exceed passing grade on New Jersey Department of Education Approved State-wide high school proficiency assessment;
- B. Complete successfully any course requirements stated in the administrative code, unless those of the district are greater, in which case the district's standard must be met. The proficiencies required must include the New Jersey Student Learning Standards approved by the State Board of Education;
- C. Select and complete successfully enough elective credits to meet the district minimum of 120 credits.
- D. Complete and submit a Free Application for Federal Student Aid (FAFSA) or the New Jersey Alternative Financial Aid Application or submit a waiver to the district requesting to be exempted from the requirement in accordance with procedures outlined in the law (P.L.2023, c.295) exemption. This requirement applies to the graduating classes of the 2026, and 2027; unless and until legislation extends the requirements of P.L.-2023, c. 295.

In accordance with the law and regulations governing high school graduation requirements, the Elizabeth Board of Education shall inform students and their parents/guardians at the beginning of the ninth grade as to assessments, demonstrated proficiencies, course and credit hour requirements, attendance policies and other State and local requirements needed for high school graduation.

The Elizabeth Board of Education shall award a State endorsed diploma to acknowledge the successful completion of the requirements for high school graduation. The Elizabeth Board of Education diploma will represent a high standard of curriculum content, instruction, and student learning thereby ensuring post-secondary readiness for all graduates in the 21st century.

The high school graduation requirements for the awarding of a State endorsed diploma from the Elizabeth Public Schools are:

- A. Meet the district student attendance requirements;
- B. Demonstrate proficiency in all sections of the State Assessment process applicable to the class graduating in the year they meet all other graduation requirements in accordance with N.J.A.C. 6A:8-4.1(b) through (d);

GRADUATION REQUIREMENTS (continued)

- C. Complete successfully any course requirements stated in the administrative code as well as the district's standard which must be met. The proficiencies required must include the New Jersey Student Learning Standards (NJSLS) approved by the State Board of Education;
- D. Select and complete successfully enough academic and elective credits to meet the district minimum of 120 credits;
- E. Perform a total of 60 hours of community service with a recommended minimum of 30 hours completed by the end of tenth grade.
- F. Complete and submit the Free Application for Federal Student Aid (FAFSA) or the New Jersey Alternative Financial Aid Application

Academic Requirements

- A. Twenty credits in language arts literacy;
- B. Fifteen in mathematics (including Algebra I, Geometry, Algebra II and higher mathematics);
- C. Fifteen credits in social studies (including 10 credits in the history of the United States in satisfaction of N.J.S.A. 18A:35-1 and 2; and 5 credits in world history); and the integration of civics, geography and global content in all course offerings;
- D. 2.5 credits in financial literacy;
- E. Fifteen credits in science, including at least five credits in laboratory biology/life science; an additional five credits in a laboratory/inquiry-based science course including chemistry, environmental science, or physics; and a third and fourth laboratory/inquiry-based science courses;
- F. Sixteen credits in physical education, health, and safety during each year of enrollment, as required by N.J.S.A. 18A: 35-5, 7 and 8;
- G. Five credits in visual and performing arts;
- H. Five credits in 21st century life and careers, or career-technical education;
- I. Ten credits in world languages;
- J. Technology literacy, consistent with the New Jersey Student Learning Standards, integrated throughout the curriculum;
- K. All courses shall be taught at the college preparatory, honors, or advanced placement levels;

GRADUATION REQUIREMENTS (continued)

L. Students enrolled in Advanced Placement (AP) courses are required to take the designated AP examination administered by the College Board. If the student does not take the AP exam, the student's AP course designation must be changed from Advanced Placement to Honors and the modification must be recorded in the student's records and transcript;

M. Student must take the SAT®, ACT®, or equivalent college entrance exam;

Students at Elizabeth High School are required to meet the same standards, as listed above, and are also required to successfully complete:

N. Five additional credits in world languages (local requirement);

O. Senior project (local requirement).

Successful completion means that the student has demonstrated the degree of proficiency required by the district to indicate achievement of the district goals for the particular course, and has attended the required number of course sessions.

Transfer students must meet all state and local requirements in order to receive a diploma.

The chief school administrator shall put into effect the procedures necessary to assess each student upon entry into the system, and, annually thereafter, to identify those students not meeting the state or district proficiency requirements. He/she shall develop the programs necessary to remedy these deficiencies at the lowest possible grade level.

Remediation and Basic Skills

Students who do not pass the New Jersey Department of Education approved statewide proficiency assessment, the elementary assessment component for grades three through five and the middle school components for grades six through eight shall be provided appropriate remediation.

Twelfth-grade students who have satisfied all other graduation requirements but have repeatedly failed the statewide examination shall receive a special review assessment as provided by law.

Community Service Learning Requirement

It is the intent of the Elizabeth Board of Education to develop, encourage, and promote partnerships with city agencies, community-based organizations and not-for-profit service entities in order to provide appropriate service opportunities for high school students. Community Service Learning requirements apply to all students.

GRADUATION REQUIREMENTS (continued)

- A. All students must complete 60 community service learning hours prior to graduation;
- B. High School principals shall designate guidance counselors to oversee projects, student participation, record-keeping and agency involvement;
- C. Community service hours shall be linked to current academic goals and curriculum and shall promote social awareness and career development.

Personalized Student Learning

A formalized plan and process that involves student setting learning goals based on personal, academic and career interests, with the close support of adult mentors that include teachers, counselors and parents will be implemented. High School principals shall designate guidance counselors to oversee the development and record keeping of the personalized student learning plans.

Grade/Class Status by Credits

Students must complete and successfully be awarded the following minimum quantity of credits to be eligible for entry into sophomore (10th grade), junior (11th grade), or senior (12th grade) status:

<b>Grade</b>	<b>Class</b>	<b>Credits</b>
10	Sophomore	30
11	Junior	60
12	Senior	90

English Language Learners

English language learners must be provided with the program opportunities required by law and must fulfill the regular state and district requirements for graduation.

Special Education Students

A student with a disability must meet all state and local high school graduation requirements in order to receive a state-endorsed high school diploma unless exempted in his/her IEP with the written approval of the chief school administrator.

A student who qualifies may take an alternate proficiency assessment approved by the New Jersey Department of Education, if alternate requirements for graduation have been specified in his/her IEP.

By June 30 of a disabled student's last year in the elementary program, the student's case manager, parent/ guardian and teacher(s) shall meet to review the instructional guide and basic plan of the student's IEP in view of the transition to the secondary program. Input from appropriate staff from the secondary school shall be part of the review.

GRADUATION REQUIREMENTS (continued)

The IEP for the student exiting the elementary program will address all the elements required in the administrative code. The description of the educational program will include exemptions, if any, from regular education program options or state and local graduation requirements including the Department of Education approved statewide high school proficiency assessment, along with the rationale for the exemptions. The exemptions must be approved in writing by the chief school administrator.

Required reviews of the IEP shall continue to address graduation requirements and shall explain why the proficiencies required for graduation are not part of the IEP. Accommodations and modifications approved by the Department of Education for the administration of the statewide assessment shall be provided when determined necessary by the child study team (CST) and will be noted in the student's IEP for students with an educational disability who participate in the general statewide assessments.

All procedures described in the administrative code shall be followed scrupulously because graduation with a state-endorsed diploma is a change of placement that requires written notice. Procedures shall include written notice to parents/guardians that includes a copy of procedural safeguards published by the State Department of Education and opportunity for mediation or a due process hearing.

Proficiency

In consultation with appropriate professional staff, the chief school administrator shall develop and present to the board for adoption indicators of achievement and standards of proficiency and attendance demonstrating successful completion of each course offered at every level of the high school.

The subject matter and standards of proficiency shall be articulated with the district's elementary schools and with sending elementary districts.

In accordance with law, the board of education shall have copies of this policy distributed to all ninth-grade (or otherwise entering students) and their parents/guardians.

They shall also be informed as to the examinations, demonstrated proficiencies, course and credit hour requirements, attendance policies, and any other state and local requirements.

Proficiency requirements for each individual course shall be given to students upon registering for the course.

The yearly program of studies for each student in the high school must be approved and signed by the parent/guardian, except in the case of 18-year-old students.

GRADUATION REQUIREMENTS (continued)

Early Graduation

Students who have clearly demonstrated a scholastic aptitude, an unusual readiness for the world of work, a financial need, or a serious health or family concern may be considered for early graduation. Minimal graduation requirements must be completed early. Approval must be obtained from the parents/guardians and the administration.

Individualized Student Learning Opportunities

The board shall establish a process to approve individualized student learning opportunities that meet or exceed the New Jersey Student Learning Standards.

A. Individualized student learning opportunities areas include, but are not limited to, the following:

1. Independent study;
2. Online learning;
3. Study abroad programs;
4. Student exchange programs; and
5. Structured learning experiences, including, but not limited to, work-based programs, internships, apprenticeships, and service learning experiences.

B. Individualized student learning opportunities based upon specific instructional objectives aimed at meeting or exceeding the new Jersey Student Learning Standards shall:

1. Be based on student interest and career goals as reflected in the Personalized Student Learning Plans;
2. Include demonstration of student competency;
3. Be on file in the school district and subject to review by the Commissioner or his or her designee.

To earn credit toward high school graduation for individualized student learning opportunities, the student shall successfully complete assessments that verify student achievement in meeting or exceeding the New Jersey Student Learning Standards at the high school level. Achievement may be verified by assessments including standards achieved by means of the individualized student learning opportunities. Such programs or assessments may occur all or in part prior to a student's high school enrollment.

No assessments administered shall preclude or exempt student participation in applicable Statewide assessments at grades three through 12.

Attendance Policy

The attendance policy for the Elizabeth Public Schools applies to standards for graduation. (See board policy 5113 Attendance, Absences and Excuses).

GRADUATION REQUIREMENTS (continued)

Credit Hour Requirements

The minimum credit requirement for high school graduation is 120 credits.

Local Requirements

The Elizabeth Board of Education has the right to establish high school graduation requirements which exceed State requirements.

Transcripts

All school districts are legally required to forward student transcripts. Transfer students must meet all State and local requirements in order to receive a State endorsed high school diploma. If there is some question as to whether a transfer student's transcript indicates satisfactory completion of State requirements, the County Executive Superintendent of Schools should be consulted.

The Elizabeth Board of Education shall provide, in a format approved by the Commissioner of Education, a transcript for each student leaving secondary schools.

A transcript of a graduate's work will be made available not only to college admissions officers, but also for job-related purposes, upon request of the student.

Issuance of Diplomas

The Elizabeth Board of Education will issue a State endorsed diploma provided that the following requirements are met: state-mandated assessments, curriculum proficiencies, attendance, credit hours and other local requirements. The chief school administrator will certify annually to the executive county superintendent that all students who are issued diplomas have met the requirements pursuant to law and regulations.

Student Enrollment in College Courses– Option 2

The board shall make reasonable efforts to develop articulation agreements with New Jersey colleges and universities to facilitate the delivery of college credit courses to qualified students.

The board shall establish a process to approve post-secondary learning opportunities that may consist of Advanced Placement (AP) courses, College-Level Examination Program (CLEP), or concurrent/dual enrollment at accredited higher education institutions. Students shall receive credit for successful completion of an approved, accredited college course that assures achievement of knowledge and skills that meets or exceeds the New Jersey Student Learning Standards.

The board shall determine eligibility requirements for these students and monitor the quality of the courses offered and college faculty who teach the courses.

GRADUATION REQUIREMENTS (continued)Reporting and Monitoring

The chief school administrator shall report annually at a public meeting, not later than September 30, to the board and to the commissioner:

- A. The total number of students graduated in the aggregate and disaggregated according to subgroups described in federal law;
- B. The number of students graduated who took a New Jersey Department of Education approved alternate high school proficiency assessment;
- C. The number of students receiving state-endorsed high school diplomas as a result of meeting any alternate requirements for graduation as specified in their IEP's;
- D. The total number of students denied graduation from the 12<sup>th</sup> grade class;
- E. The number of students denied graduation from the 12<sup>th</sup> grade class solely because of failure to pass the New Jersey Department of Education approved statewide high school proficiency assessment or alternative high school assessment, based on the provisions of administrative code.

This information shall be reported to the board at a public meeting prior to the date prescribed by law.

The board shall review this policy annually and shall adopt all regulations required by law.

Date:	November 13, 1986
Revised:	January 14, 1988
Revised:	June 9, 1988
Revised:	October 12, 1989
Revised:	August 8, 1991
Revised:	April 5, 2001 Revised: August 17, 2006
Revised:	October 15, 2009
First Reading:	September 17, 2009
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Revised:	May 6, 2010, effective September 1, 2010
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Second Reading:	May 6, 2010
Revised:	June 30, 2011
First Reading:	June 9, 2011
Second Reading:	June 30, 2011
Revised:	August 20, 2015
First Reading:	August 4, 2015
Second Reading:	August 20, 2015
Revised:	June 15, 2017, effective September 1, 2017
First Reading:	May 11, 2017
Second Reading:	June 15, 2017
NJSBA Review/Update:	December 2018

GRADUATION REQUIREMENTS (continued)

Readopted:	June 13, 2019
Revised:	August 20, 2020, effective September 1, 2020
First Reading:	October 15, 2020
Second Reading:	November 19, 2020
Revised:	<b>September 19, 2024</b>
First Reading:	August 22, 2024
Second Reading:	<b>September 19, 2024</b>

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:4-25	Prescribing minimum courses of study for public schools; approval of courses of study
	<u>N.J.S.A.</u> 18A:7C-1	Commissioner of education to develop a program of standards and guidelines
	<u>N.J.S.A.</u> 18A:7C-2	Boards of education; establishment of standards
	<u>N.J.S.A.</u> 18A:7C-4.1	Operation Recognition; purpose; eligibility; application procedure
	<u>N.J.S.A.</u> 18A:7C-5.1	Boards of education prohibited from excluding students from graduation ceremony or from obtaining yearbook for inability to pay fees
	<u>N.J.S.A.</u> 18A:7F-46	Review, update of the NJSLs, Educational Adequacy Report
	<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
	<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and courses
	<u>N.J.S.A.</u> 18A:35-14.9	Student promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:36-17	Credit of seniors in active military and naval service, etc.
	<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessment
	<u>See particularly:</u>	
	<u>N.J.A.C.</u> 6A:8-1.2,-2.1,-3.1,-3.3,-4.1,-4.2,-4.3,-5.1,-5.2	
	<u>N.J.A.C.</u> 6A:13-1.1 <u>et seq.</u>	Programs and practices to support student achievement
	<u>N.J.A.C.</u> 6A:14-3.7	Individualized education program
	<u>N.J.A.C.</u> 6A:14-4.11	Graduation
	<u>N.J.A.C.</u> 6A:15-1.11	Graduation requirements for English Language Learners
	<u>N.J.A.C.</u> 6A:20-2.4	Graduation (adult education programs)
	<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C.</u> 6A:33-1.1 <u>et seq.</u>	School turnaround and improvement
	<u>P.L. 2023, c.295</u>	Financial Aid Application Required
	The Department of Education Website, <a href="http://www.nj.gov/njded/assessment/">http://www.nj.gov/njded/assessment/</a> (Lists the state assessment components)	

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

Possible

<u>Cross References:</u>	*1120	Board of education meetings
	*5113	Attendance, absences and excuses

GRADUATION REQUIREMENTS (continued)

*5120	Assessment of individual needs
*5127	Commencement activities
6000	Concepts and roles in instruction
*6010	Goals and objectives
*6122	Articulation
*6140	Curriculum adoption
6141.4	Independent study
*6142	Subject fields
*6142.2	English as a second language; bilingual/bicultural
*6142.6	Basic skills
*6145	Extracurricular activities
*6147	Standards of proficiency
*6154	Homework/makeup work
*6171.4	Special education
*6200	Adult/community education

ACCELERATION IN KINDERGARTEN TO GRADE 8

Acceleration to the next higher grade level should be considered as an educational option which meets and respects the developing nature of the individual student. It should enhance opportunities for students to acquire knowledge and skills which cannot be offered in his/her existing program.

Acceleration can be for academic, social or developmental reasons which respect the individual needs of the learner and his/her personal motivation.

Process

Acceleration may be considered after consultation with and input from the classroom teacher, parents/guardians, child study team, student and other staff members when appropriate. The chief school administrator shall make the final decision regarding acceleration.

The chief school administrator shall consider the following:

- A. The mental and physical maturity of the student;
- B. Evaluations and assessments information that are submitted by the parents/guardians;
- C. Additional testing and evaluation may be requested by the chief school administrator to make his/her final determination.

Referral for Acceleration

A student may be referred by a teacher, administrator, gifted and talented education teacher, guidance counselor, school psychologist, or a parent or legal guardian of the student for evaluation for possible accelerated placement. The referral shall be made in writing to the principal of his or her school.

Date: November 13, 1986  
Revised: June 25, 2009  
First Reading: June 11, 2009  
Second Reading: June 25, 2009  
NJSBA Review/Update: December 2018  
Readopted: June 13, 2019

**Legal References:** N.J.S.A. 18A:7B-12      District of residence; determination  
N.J.S.A. 18A:7C      High school graduation standards  
N.J.S.A. 18A:36-19a      Newly enrolled students; records and identification

ACCELERATION IN K TO 8 (continued)

<u>N.J.S.A.</u> 18A:36-25.1	Proof of child's identity required for enrollment; transfer of record between districts
<u>N.J.S.A.</u> 18A:38-5	Admission of students under age
<u>N.J.S.A.</u> 18A:38-5.1	No child to be excluded from school because of race, etc.
<u>N.J.S.A.</u> 18A:38-6	Time of admission of students; first school year
<u>N.J.S.A.</u> 18A:44-2	Establishment of kindergarten; eligibility for admission
<u>N.J.A.C.</u> 6A:22-1.1 <u>et seq.</u>	Entitlement to Attend School Based on Domicile or Student Residency
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:22-3.1, 3.2, 3.3, 3.4	
<u>N.J.A.C.</u> 6A:23A-19.2, -19.3	Method of determining the district of residence
<u>N.J.A.C.</u> 6A:32-8.2	School enrollment

**Possible**

<b><u>Cross References:</u></b>	*5111	Admission
	*5120	Assessment of individual needs
	*6142	Subject fields
	*6142.2	English as a second language; bilingual/bicultural
	*6143	Curriculum guides

PROMOTION/RETENTION

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

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

- A. Standards of proficiency related to district goals and objectives and student proficiency;
- B. Standards of attendance, and provision for review of mastery;
- C. Timely efforts to help all students achieve acceptable levels of proficiency;
- D. Notification to parents and students, at appropriate times during the school year, of the student's progress in meeting the promotion and remediation standards;
- E. Immediate consultation with the student's parent or guardian if, in the teacher's judgment, there is any indication that the student's progress may not be sufficient to meet these standards;
- F. Procedures for parents/guardians and adult students to appeal promotion/retention decisions;
- G. Procedures for involving parents/guardians, teachers and students, where appropriate, to participate in the development of the policy.

Progress reports for students in in bilingual, ESL, or English language services programs shall be made to parents/guardians on the same schedule as the reports of all students enrolled in the district. Progress reports shall be in writing and in both English and their primary speaking language unless doing so places unreasonable burden on the board.

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

Students in Grades K through 8

To that end the board recognizes that students advance through the grades by demonstrating proficiency of required key skills at each grade level. To help all students attain these skills, their promotion/retention is based on the following criteria in grades K-8:

- A. Students who demonstrate proficiency at the end of a given grade, as measured by the following criteria, will be promoted to the next grade:

PROMOTION/RETENTION (continued)

1. Proficiency of required skills as measured by the Elizabeth Public Schools summative assessment portfolio;
  2. Report card grades of E, G, S in elementary grades and 70 or above in middle grades, in reading/English/language arts literacy, mathematics and science;
  3. Attendance;
- B. Students who do not demonstrate proficiency based on the above criteria at the end of a given grade level will be required to participate in the district summer school program;
- C. Students who do not meet the proficiency requirements and attendance criteria by the end of the summer school program will be retained;
- D. In grades K-2, the appropriate district standardized assessment in reading, language and mathematics, and in grades 3-8, the appropriate New Jersey State standardized assessment in both language arts literacy and mathematics will be used in addition to the above criteria as factors in the determination of a student's eligibility for promotion.

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

Date: June 25, 1996  
 Revised: August 17, 2006  
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 Second Reading: June 25, 2009  
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**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:4-24 Determining efficiency of schools; report to state board  
N.J.S.A. 18A:7C-2 Boards of education; establishment of standards  
N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures  
N.J.A.C. 6A:8-4.1 Statewide assessment system  
N.J.A.C. 6A:8-4.2 Documentation of student achievement  
N.J.A.C. 6A:8-5.1 Graduation requirements  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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

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

**Possible Cross References:** \*5113 Attendance, absences and excuses  
 \*5120 Assessment of individual needs

PROMOTION/RETENTION (continued)

- \*5124 Reporting to parents/guardians
- \*6142 Subject fields
- \*6142.2 English as a second language; bilingual/bicultural
- \*6143 Curriculum guides
- \*6145 Extracurricular activities
- \*6146 Graduation requirements
- 6146.1 Acceleration
- \*6147 Standards of proficiency
- \*6147.1 Evaluation of individual student performance
- \*6171.1 Remedial instruction
- \*6171.3 At-risk and Title 1

STANDARDS OF PROFICIENCY

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

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

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

The chief school administrator shall consider additional factors contributing to student achievement such as indicators of student and educator engagement, school climate and/or safety. The chief school administrator may consult with the appropriate staff member in the development and assessment of indicators of engagement, school climate and/or safety, such as teaching staff, the affirmative action officer and the anti-bullying coordinator and/or specialist.

The board shall administer the applicable Statewide assessments, including the six major components: the elementary assessment component for grades three through five; the middle school assessment component for grades six through eight, the Department of Education approved statewide proficiency assessment, alternative high school assessment and the alternate proficiency assessment for students with severe cognitive disabilities. The Statewide assessments shall be administered according to a schedule prescribed by the Commissioner.

All district high school English language learners (ELLs) shall satisfy both state and district requirements for graduation, except that any English language learners may demonstrate attainment of State minimum levels of proficiency through passage of a state approved alternative high school assessment in his/her native language and an English fluency assessment approved by the Department of Education or passage of the Department of Education approved alternative high school proficiency assessment process in English with appropriate accommodations.

Through the individualized education program (IEP) process the board may specify alternative requirements for a state-endorsed diploma for individual students with disabilities.

STANDARDS OF PROFICIENCY (continued)

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

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**Legal References:** N.J.S.A. 18A:7C-1 Commissioner of Education to develop a program of standards and guidelines  
N.J.S.A. 18A:7C-2 Establishment of standards for graduation from secondary schools for graduation from secondary schools  
N.J.S.A. 18A:7E-2 through -5 School report card program  
N.J.S.A. 18A:7F-46 Review, update of the New Jersey Student Learning Standards; Educational Adequacy Report  
N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment  
 See particularly:  
N.J.A.C. 6A:8-1.1, -1.3,-2.1, -4.1, -4.4, -5.1  
N.J.A.C. 6A:14-4.10,11 Statewide assessment  
N.J.A.C. 6A:15-1.1 et seq. Bilingual Education  
 See particularly:  
N.J.A.C. 6A:15-1.11  
N.J.A.C. 6A:23A-9.5 Commissioner to ensure achievement of the New Jersey Student Learning Standards  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-2.1 Definitions  
N.J.A.C. 6A:32-12.1 et seq. Student Behavior  
Abbott v. Burke, 149 N.J. 145 (1997) (Abbott IV)  
Abbott v. Burke, 153 N.J. 480 (1998) (Abbott V)  
Abbott v. Burke, 163 N.J. 95 (2000) (Abbott VI)  
Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:** \*1120 Board of education meetings  
 \*5113 Attendance, absences and excuses  
 \*5120 Assessment of individual needs

STANDARDS OF PROFICIENCY (continued)

- \*5124 Reporting to parents/guardians
- \*5125 Student records
- 6000 Concepts and roles in instruction
- \*6010 Goals and objectives
- \*6140 Curriculum adoption
- \*6141 Curriculum design/development
- \*6146 Graduation requirements
- \*6146.2 Promotion/retention
- \*6171.1 Remedial instruction
- \*6171.3 At-risk and Title 1
- \*6300 Evaluation of the instructional program

## EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE

### Grading

The Elizabeth Board of Education is committed to maintaining rigorous performance and achievement standards and transmitting the district's theory of action about teaching and learning into grading practiced across all classrooms and schools. Grading should be both formative and summative in nature.

### Accountability for Accuracy, Equity, and Quality of Grades

The accuracy, equity, and quality of grades as a measure of student learning are directly dependent on the quality of instruction provided, the alignment of student learning task to the content and pacing of the district's curriculum, and the quality and rigor of the student work that is used to determine grades.

### Grading Procedures

Principals shall develop procedures to communicate the grading practices and will report student learning progress to all parents and instructional staff.

### Guidelines for Determining Grades

Grade level guidelines for grading will be implemented across all classrooms, grade levels, and schools in grades prekindergarten-12. PreK-12 guidelines shall apply to all teachers and students.

### Grades PreK Grading Guidelines

#### A. Reporting Learning Standards Mastery

Grading of student work should be based on State and District-required learning standards and provide clear expectations for mastery that are communicated to students so that they understand the learning expectations. Criteria for grading should be clearly communicated to parents and displayed in the classroom. Grades in the core content areas should be derived from group and independent student class work and both formative and summative assessments.

Report cards for PreK are to be issued three times a year. Grades will be recorded and communicated using district-approved reporting forms and/or software programs.

Report cards for PreK shall indicate progress towards mastery of student learning standards by content area using the letter grades of E for Excellent/Consistent Progress, S for Satisfactory

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

Progress, and NI for Needs Improvement/Additional Time for Learning. For areas identified as Needs Improvement, narrative comments will be provided to indicate targets for growth and to request a parent conference.

In PreK, art, music, physical education/health/safety and world languages teachers shall assign grades in their content area for each grading period of the school year. The Chief School Administrator may modify the grade weights distributed based on program nature of world languages, music, art and physical education/health/safety.

**B. Mid-Marking Period Progress Reports**

Progress reports are issued at the mid-marking period by the teacher if a student's performance in any subject is not deemed satisfactory, and shall be recorded and communicated using district-approved reporting forms and/or software programs. Teachers shall have the option, and are encouraged to issue progress reports to all students to communicate standards mastery and provide specific feedback about effort exhibited by the student in their learning.

**C. Homework**

Homework should be used to reinforce and support mastery of learning, engage parents in the learning process, and when appropriate and possible, should be differentiated for students depending on their mastery of the objectives.

**D. Retesting**

Students shall be permitted to retake tests (excluding student growth objectives (SGOs) and benchmark assessments) that she or he has failed within five (5) school days the failing grade was received or no later than ten (10) days of the date of the test.

**E. Grade Weights**

At PreK the reported grade in each content area will be weighted at 100% for assessments.

Grades K-5 Grading Guidelines**A. Reporting Learning Standards Mastery**

Report cards are to be issued at the end of each marking period, and grades will be recorded and communicated for all subjects using district-approved reporting forms and/or software programs.

Grading of student work should be based on State and District required learning standards and provides clear expectations for mastery that are communicated to and/or co-constructed with students. A grade of 60 is the lowest grade that will be recorded as a marking period or final grade. While 60 is the lowest marking period grade recorded on the report card, teachers and teacher teams determine the appropriate grades for daily work, homework, tests, etc. (which may

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

include grades lower than 60).

B. Numerical grades should be derived from the following:

1. Group and independent student class work and homework as outlined below;
2. Formative and summative assessments; and/or
3. Project-based learning;

C. Mid-Marking Period Progress Reports

Progress reports are issued by the teacher at the mid-marking period if a student's performance in any subject or class below 70, and shall be recorded and communicated using district-approved reporting forms and/or software programs. Teachers shall issue progress reports to all students to communicate standards mastery and provide specific feedback about effort exhibited by the student in their learning.

D. Determining Class Work Grades

Class work should be rigorous, standards-based and document cumulative mastery of content area concepts. Expectations for grading class work should be clearly communicated to students and posted in the classroom. Mastery criteria for projects or other assignments that are used to evaluate multiple concepts should be clearly communicated to students, using tools such as rubrics or criteria charts.

Teachers may assign no less than 1 class work per week per subject or a minimum of 10 grades per subject per 10 weeks.

E. Homework

Homework should be used to reinforce and support mastery of learning, engage parents in the learning process, and when appropriate and possible, should be differentiated for students depending on their mastery of the objectives.

F. Test and/or Project Grades

Teachers should use a variety of assessment methods such as unit tests, project evaluation, etc. There should be no fewer than 2 test/major project grades in each core subject area. District benchmark assessments are counted in the number of required tests.

G. Retesting

Students shall be permitted to retake tests (excluding student growth objectives (SGOs) and benchmark assessments) that she or he has failed within five (5) school days the failing grade was received or no later than ten (10) days of the date of the test. Both scores (1st attempt and

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

retest) will be recorded in the gradebook.

#### H. Makeup Work and Incomplete Grades

Students shall be permitted to make up assignments and tests without grade penalty after an absence. Giving zeros as a grade is not a best practice. Therefore, upon the student receiving five zeros, the teacher must call to notify the parent; and after a conference or meeting the student shall be given two days to complete assignments or tests, if desired by the parent.

#### I. Late Work

Students must be given at least one opportunity to submit late work not related to an absence. Grade penalty should be determined by grade level/department teacher teams and approved by the principal. Teachers shall develop and consistently implement common grade level or department grading procedures for late work in compliance with this policy and will communicate the common grading procedures to parents and students in writing as directed by the school principal.

#### J. Grade Weights/Marking Period Weights

Class work/Class Participation/Homework	40%
Tests	20%
Projects/Products	20%
Benchmarks	20%
Marking Period 1	25%
Marking Period 2	25%
Marking Period 3	25%
Marking Period 4	25%

Art, music, physical education/health/safety and world language teachers shall assign grades for the subjects they are assigned. The Chief School Administrator may modify the grade weights distributed based on program nature of world languages, music, art and physical education/health/safety.

#### K. High class/grade level/school failure rates

Teachers with a failure rate of greater than 10% in any subject area will be required to develop and submit an intervention support plan for struggling students that will be monitored by the principal/designee.

Teachers should be prepared to provide an update to the school principal of students whose grade average is below 70 including strategies for academic supports for the next marking period.

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)Grades 6-8 Grading Guidelines

## A. Reporting Learning Standards Mastery

Report cards are to be issued at the end of the marking period, and grades will be recorded and communicated for all subjects using district-approved reporting forms and/or software programs. Grading of student work should be based on State and District required learning standards and provides clear expectations for mastery that are communicated to and/or co-constructed with students. A grade of 60 is the lowest grade that will be recorded on the report card as marking period, a mid-year exam, final exam or final grade. While 60 is the lowest grade recorded on the report card, teachers and teacher teams determine the appropriate grades for daily work, homework, tests, etc. (which may include grades lower than 60).

## B. Numerical grades should be derived from the following:

1. Group and independent student class work and homework as outlined below;
2. Formative and summative assessments; and/or
3. Project-based learning.

## C. Mid-Marking Period Progress Reports

Progress reports are issued at the mid-marking period by the teacher if a student's performance in any subject or class below 70, and shall be recorded and communicated using district-approved reporting forms and/or software programs. Teachers shall issue progress reports to all students to communicate standards mastery and provide specific feedback about effort exhibited by the student in their learning.

## D. Determining Class Work Grades

Class work should be rigorous, standards-based and document cumulative mastery of content area concepts. Expectations for grading class work should be clearly communicated to students and posted in the classroom. Mastery criteria for projects or other assignments that are used to evaluate multiple concepts should be clearly communicated to students, using tools such as rubrics or criteria charts.

Teachers may assign no less than 1 class work per week per subject or a minimum of 10 grades per subject per 10 weeks. Projects may assess multiple learning standards and therefore, more than one grade may be recorded for a project (based on the scoring rubric).

## E. Homework

Homework should be used to reinforce and support mastery of learning, engage parents in the learning process, and when appropriate and possible, should be differentiated for students depending on their mastery of the objectives.

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

## F. Test and/or Project Grades

Teachers should use a variety of assessment methods such as unit tests, project evaluation, etc. There should be no fewer than 2 test/major project grades in each core subject area. District benchmark assessments are counted in the number of required tests.

## G. Number of Grades

Teachers should record no fewer than 2 classwork/homework grades per week per subject, with a minimum of 20 grades per subject per marking period. Grades should be documented weekly.

## H. Retesting

Students shall be permitted to retake tests (excluding student growth objectives (SGOs) and benchmark assessments) that she or he has failed within 5 school days the failing grade was received or no later than 10 days of the date of the test. Both scores (1st attempt and retest) will be recorded in the gradebook. Final exams are exempt from the provision; therefore they are not allowed to be retested.

## I. Makeup Work and Incomplete Grades

Students shall be permitted to make up assignments and tests without grade penalty after an absence. Giving zeros as a grade is not a best practice. Therefore, upon the student receiving five zeros, the teacher must call to notify the parent; and after a conference or meeting the student shall be given two days to complete assignments or tests, if desired by the parent.

## J. Late Work

Students must be given at least one opportunity to submit late work not related to an absence. Grade penalty should be determined by grade level/department teacher teams and approved by the principal. Teachers shall develop and consistently implement common grade level or department grading procedures for late work in compliance with this policy and will communicate the common grading procedures to parents and students in writing as directed by the school principal.

## K. Grade Weights/Marking Period Weights

Class work/Class Participation/Homework	40%
Tests	20%
Projects/Products	20%
Benchmarks	20%
Marking Period 1	25%

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

Marking Period 2	25%
Marking Period 3	25%
Marking Period 4	25%

## L. High class/grade level/school failure rates

Teachers with a failure rate of greater than 10% in any subject area will be required to develop and submit an intervention support plan for struggling students that will be monitored by the principal/designee.

Teachers should be prepared to provide an update to the school principal or students whose grade average is below 70 including strategies for academic supports for the next marking period.

Grades 9-12 Grading Guidelines

## A. Reporting Learning Standards Mastery

Report cards are to be issued at the end of the marking period, and grades will be recorded and communicated for all subjects using district-approved reporting forms and/or software programs.

Grading of student work should be based on State and District required learning standards and provides clear expectations for mastery that are communicated to and/or co-constructed with students.

## B. Numerical grades should be derived from the following:

Group and independent student class work and homework as outlined below;  
Formative and summative assessments; and/or  
Project-based learning.

## C. Mid-Marking Period Progress Reports

Progress reports are issued at the mid-marking period by the teacher if a student's performance in any subject or class falls below 70 (C-), and shall be recorded and communicated using district-approved reporting forms and/or software programs. Teachers shall issue progress reports to all students to communicate standards mastery and provide specific feedback about effort exhibited by the student in their learning.

## D. Determining Class Work Grades

Class work should be rigorous, standards-based and document cumulative mastery of content area concepts. Expectations for grading class work should be clearly communicated to students and posted in the classroom. Mastery criteria for projects or other assignments that are used to evaluate multiple concepts should be clearly communicated to students, using tools such as rubrics or criteria charts.

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

## E. Number of Grades

Teachers may assign no less than 3 class work per week per subject or a minimum of 30 grades per subject per marking period.

## F. Homework

Homework should be used to reinforce and support mastery of learning, engage parents in the learning process, and when appropriate and possible, should be differentiated for students depending on their mastery of the objectives.

## G. Test and/or Project Grades

Teachers should use a variety of assessment methods such as unit tests, project evaluation, etc. There should be no fewer than 3 test/major project grades in each core subject area. District benchmark assessments are counted in the number of required tests.

## H. Retesting

Students shall be permitted to retake tests (excluding student growth objectives (SGOs) and benchmark assessments) that she or he has failed within five (5) school days the failing grade was received or no later than ten (10) days of the date of the test. Both scores (1st attempt and retest) will be recorded in the grade book. Final exams are exempt from this provision; therefore they are not allowed to be retested.

## I. Makeup Work and Incomplete Grades

Students shall be permitted to make up assignments and tests without grade penalty after an absence. Giving zeros as a grade is not a best practice. Therefore, upon the student receiving five zeros, the teacher must call to notify the parent; and after a conference or meeting the student shall be given two days to complete assignments or tests, if desired by the parent.

## J. Late Work

Students must be given at least one opportunity to submit late work not related to an absence. Grade penalty should be determined by grade level/department teacher teams and approved by the principal. Teachers shall develop and consistently implement common grade level or department grading procedures for late work in compliance with this regulation and will communicate the common grading procedures to parents and students in writing as directed by the school principal.

## K. Grade Weights/Marking Period Weights

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

Class work/Class Participation/Homework	40%
Tests	20%
Projects/Products	20%
Benchmarks	20%
Marking Period 1	20%
Marking Period 2	20%
Marking Period 3	20%
Marking Period 4	20%
Finals	20%

## L. High class/grade level/school failure rates

Teachers with a failure rate greater than 10% in any subject area will be required to develop and submit an intervention support plan for struggling students that will be monitored by the principal/designee.

Teachers should be prepared to provide an update to the school principal or students whose grade average is below 70 (C-) including strategies for academic supports for the next marking period.

## M. Exam Exemption Policy

Seniors qualify for exemption from final exams in any class in which they meet the following criteria:

## 1. Advanced Placement:

- a. Maintain a B or above and maintain an average of B or above in all other courses;
- b. Take the AP exam for that course;
- c. Shall have no major cheating violations or plagiarism;
- d. Shall have no more than four (4) unexcused absences by April 30th (excluding school related activities and religious holidays);
- e. Shall have no more than five (5) tardies in that AP class;
- f. No major infractions resulting in ISS, GRIP, or out-of-school suspension;
- g. Must have no outstanding fines, fees, or debts for school property or other services;

## 2. General Courses

- a. Maintain a B+ or above in identified course and maintain an average of B- or above in all other courses;
- b. Shall have no major cheating violations or plagiarism;
- c. Shall have no more than four (4) unexcused absences by April 30th (excluding school-related activities and religious holidays);
- d. Shall have no more than five (5) tardies in that class;

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

- e. No major infractions resulting in ISS, GRIP, or out-of-school suspension;
- f. Must have no outstanding fines, fees, or debts for school property or other services.

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 Revised: August 4, 2015  
 First Reading: July 23, 2015  
 Second Reading: August 4, 2015  
 NJSBA Review/Update: December 2018  
**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:7C-3, -4, -6, -6.2 Remedial instruction for students not meeting graduation standards  
N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:35-4.9 Student promotion and remediation, policies and procedures  
N.J.S.A. 18A:36-34 Written approval required prior to acquisition of certain survey information from students  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:7-1.7 Equality in school and classroom practice  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessments  
See particularly:  
N.J.A.C. 6A:8-1.3, -4.1, -5.1  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-2.1 Definitions  
N.J.A.C. 6A:32-7.1 Student Records  
 34 CFR 98 - Protection of Student Rights  
 Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.  
Talarsky v. Edison Township Board of Education, 1977 S.L.D. 862

**Possible**

**Cross References:** \*1000/1010 Concepts and roles in community relations; goals and objectives  
 \*1120 Board of education meetings  
 \*5113 Attendance, absences and excuses  
 \*5120 Assessment of individual needs  
 \*5124 Reporting to parents/guardians  
 \*5125 Student records

EVALUATION OF INDIVIDUAL STUDENT PERFORMANCE (continued)

*5141.3	Health examinations and immunizations
*6142.6	Basic skills
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency

INSTRUCTIONAL ARRANGEMENTS

Instructional arrangements, including assignment of students to teacher and classes, provisions for specialized classes and for interdisciplinary and interclass activities, shall all be designed with the purpose of providing optimum benefit to students and accommodating their diverse learning styles.

The individual building principal shall have authority to review and decide any requests for change of assignment or placement of students.

Assignment to the High Schools

All Elizabeth resident students who wish to enroll in one of the district's high schools for the following year are required to complete on-line applications that will assist the district's administration in the placement process.

The dates for application submission will be published each year and all applications must be submitted within the timeframe indicated. Only online applications will be accepted. Prior to the application period, information sessions will be held at each high school and interested parents/guardians and students will be invited to attend any or all of these sessions.

Fulfilling student requests for specific high school and strand placement will depend strictly on program capacity and the established program requirements for each high school. No student attending the Elizabeth Public Schools shall be denied access to, or benefit from, any educational or vocational program solely on the basis of race, creed, color, national origin, ancestry, age, gender, place of residence within the district, socioeconomic status, or disability.

An application will be considered to have been submitted successfully only when the following steps have been completed:

- A. The application essay and the listing of six high school selections in order of personal preference are submitted on-line as directed;
- B. The confirmation page indicating successful submission of the above information is printed in hard copy format;
- C. The confirmation page is signed by the student and his/her parent/guardian;
- D. The signed confirmation page is returned by all Elizabeth Public Schools students to the school each student is currently attending.

INSTRUCTIONAL ARRANGEMENTS (continued)

- E. Non-public school students who are Elizabeth residents must return this confirmation page to the attention of:

assistant superintendent in charge of high schools  
505 North Broad Street  
Elizabeth, New Jersey, 07208

Notification of high school assignments will be sent no later than July 1st to all students who submitted completed applications as described above and did so within the stated timeframe.

Established Guidelines for Alexander Hamilton Preparatory Academy, Thomas Jefferson Arts Academy, and Elizabeth High School

- A. The Alexander Hamilton Preparatory Academy will only admit students with a grade point average of 2.0 or higher and who are committed to preparing for post-secondary education;
- B. Applicants to the Thomas Jefferson Arts Academy will be required to either audition or submit a portfolio (according to his/her personal area of skill/interest) in order to be considered for enrollment;
- C. Students who wish to enroll at Elizabeth High School must possess and agree to maintain at least a 3.0 grade point average, demonstrate academic potential, and comply with a rigorous college preparatory course sequence that includes, but is not limited to, Advanced Placement courses and examinations, the study of Latin, and the completion of a senior project. The “demonstration of academic potential” is determined by combining the current summative assessment scores in language arts literacy and mathematics and the student’s current grade point average according to the following formula:

$$\text{GPA} + \text{Current Summative Assessment Score in Language Arts} + \text{Current Summative Assessment Score in Mathematics} = \text{Eligibility Score}$$

Placement of Students in Respective High Schools

- A. Students who apply to Elizabeth High School as their first choice will be ranked according to their eligibility indices. Incoming students with the highest indices will be assigned to Elizabeth High School until all available seats at their respective grade levels are filled;
- B. Students who apply to Alexander Hamilton Academy as their first choice will be ranked according to their GPA. Incoming students with the highest GPA scores will be assigned to Alexander Hamilton Academy until all available seats at their respective grade levels are filled;
- C. Students who apply to Thomas Jefferson Arts Academy as their first choice school will be placed in accordance with the proficiency noted during their audition or portfolio presentations.

INSTRUCTIONAL ARRANGEMENTS (continued)

- D. Students who apply to any of the high schools listed above as their first choice school and meet all of the high school specific requirements will be given first consideration for placement in that school. The same will hold true for students who list John E. Dwyer Technology Academy, Admiral William F. Halsey, Jr. Leadership Academy, or Thomas A. Edison Career and Technical Academy as their first choice schools;
- E. If an eligible student cannot be accommodated in his/her first choice school because the school's capacity at the requested grade level has been reached, the student will be placed on a waitlist for that school and the second choice school will be assigned if this is at all possible. If not possible because the school capacity has been reached, the third choice school will be assigned and so on through the sixth choice until the student is assigned to a high school.

For both Elizabeth High School and Alexander Hamilton Preparatory Academy

There are exceptions to this process as described below:

- A. If an eligible student lists Elizabeth High School as his/her first choice and does not get assigned to this school because all available seats at his/her respective grade level have, in keeping with the stated selection process, been filled, the student will not automatically be placed in his/her second choice school if that second choice is Alexander Hamilton Preparatory Academy. All students who list Alexander Hamilton Preparatory Academy as their top choice and meet the specific requirements for this school will be given priority for placement at Alexander Hamilton Preparatory Academy;
- B. If an eligible student who lists Alexander Hamilton Preparatory Academy as his/her first choice does not get assigned to this school because all available seats at his/her respective grade level have, in keeping with the stated selection process, been filled, the student will not automatically be placed in his/her second choice school if that second choice is Elizabeth High School;
- C. If it is the parents'/guardians' wish, a student who is not accepted into Elizabeth High School due to space constraints and who has listed Alexander Hamilton Preparatory Academy as his/her second choice may request to be placed on the waiting list for both Elizabeth High School and for Alexander Hamilton Preparatory Academy. Consequently, if it is the parents'/guardians' wish, a student who is not accepted into Alexander Hamilton Preparatory Academy due to space constraints and who has listed Elizabeth High School as his/her second choice may request to be placed on the waiting list for both Alexander Hamilton Preparatory Academy and for Elizabeth High School.

Request for Changes in High School Assignment

- A. Any request for a change in a high school assignment must be made prior to October 15th of each school year. No requests for changes will be considered after this date except in the case of extraordinary circumstances;

INSTRUCTIONAL ARRANGEMENTS (continued)

- B. A parent/guardian wishing to have his son or daughter moved to another high school must first submit a formal letter to the assistant superintendent in charge of high schools at 505 North Broad Street, Elizabeth, NJ 07208. The letter must indicate the change being requested and describe in detail the significant reason for the request;
- C. The assistant superintendent in charge of high schools will review the letter, determine the appropriateness of the request, review the student's school records in terms of eligibility for the high school requested, and then check on the availability of seats at the school, grade level, and within the career strand requested;
- D. The assistant superintendent in charge of high schools will communicate with the principals of the high schools involved and ensure there are no issues that might make this change in schools impractical or unworkable;
- E. The final decision on whether the request for a change in schools will be permitted will be made by the assistant superintendent in charge of high schools, who will be responsible for notifying all involved parties and setting up a date for the actual transfer, if this is the decision that has been reached.

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<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:33-1	Facilities
	<u>N.J.S.A.</u> 18A:36-38	Classroom placement of twins, higher multiples
	<u>N.J.A.C.</u> 6A:13-2.1	Standards-based instruction

<b><u>Possible Cross References:</u></b>	*6010	Goals and Objectives
	*6147	Standards of Proficiency
	*6151	Class Size

**Policy**

CLASS SIZE

The chief school administrator shall recommend for board approval the number of class sections for each course or grade level. He/she shall take into consideration such factors as student needs, curriculum requirements, types of instructional setting, district finances and space or equipment limitations.

Particular attention shall be paid to space-per-student requirements of the State Department of Education.

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**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:8-2.1 Authority for educational goals and standards  
N.J.A.C. 6A:14-4.7 Program criteria: special class programs, secondary and vocational rehabilitation  
N.J.A.C. 6A:23A-9.5 Commissioner to ensure achievement of the New Jersey Student Learning Standards  
N.J.A.C. 6A:26-2.1 *et seq.* Long-Range Facilities Plans  
N.J.A.C. 6A:32-8.2 School enrollment  
N.J.A.C. 6A:32-8.3 School attendance

**Possible**

**Cross References:** 3240 Tuition income  
\*5118 Nonresidents  
\*5120 Assessment of individual needs  
\*5145.4 Equal educational opportunity  
6150 Instructional arrangements  
\*6171.4 Special education  
\*7110 Long-range facilities planning

FIELD TRIPS

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

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

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

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

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

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

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

The board does not endorse, support or assume liability in any way for any staff member of this district who takes students on trips not approved by the board. No staff member may solicit students

FIELD TRIPS (continued)

of this district for such trips within the facilities or on the school grounds of this district without board permission.

Student Self-Administration of Medication

The board shall permit self-administration of medication on field trips for asthma or other potentially life-threatening illness by students with parental consent and as approved by the student's physician.

All conditions established by law and board policy shall be met (see policy 5141.215141.21 Administering Medication).

Epinephrine shall be administered via epi-pen to students in emergencies on field trips by the school nurse, his/her designee(s), the student's parent/guardian or the student himself/herself, in accordance with policy 5141.21 Administering Medication.

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**Legal References:** N.J.S.A. 18A:25-2 Authority over students  
N.J.S.A. 18A:36-21  
 through -23 Field trips; costs to be borne by parents or guardians ...  
N.J.S.A. 18A:36-35 School Internet web sites; disclosure of certain student  
 information prohibited  
N.J.S.A. 18A:39-20.1 Transportation to and from related school activities in  
 private vehicle with capacity of eight or less; authorization  
 of qualified school personnel, state employees or parents  
N.J.S.A. 18A:40-12.3  
 through -12.4 Self-administration of medication by students; conditions  
 ...  
N.J.S.A. 18A:40-12.5 Policy for emergency administration of epinephrine to  
 public school students  
N.J.S.A. 18A:40-12.6 Administration of epinephrine; primary responsibility;  
 parental consent  
N.J.A.C. 6A:27-1.1 et seq. Student transportation  
See particularly:  
N.J.A.C. 6A:27-1.1(b),  
 -7.6, -11.1, -11.2

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

**Possible**

**Cross References:** 1210 Community organizations

FIELD TRIPS (continued)

- \*1230 School-connected organizations
- \*3450 Money in school buildings
- \*3541.31 Privately owned vehicles
- \*5020 Role of parents/guardians
- \*5136 Fund-raising activities
- \*5141.21 Administering medication
- \*6145 Extracurricular activities
- \*6154 Homework/makeup work

HOMEWORK/MAKEUP WORK

The Elizabeth Board of Education believes that homework relevant to material presented in class provides an opportunity to broaden, deepen or reinforce the student's knowledge. Teachers must use discretion in deciding the number and length of assignments. The board encourages the use of interrelated major homework assignments such as term papers, themes and creative art projects.

Homework shall not be used for punitive reasons.

Students absent for any reason must make up assignments, classwork and tests within a reasonable length of time. In most cases, a reasonable length of time shall be the same number of school days as the days missed.

Students being excused for any reason must make arrangements with the teacher of the missed classes in order to make up the work missed. This must be done before the absence from class.

Incompletes

When a student does not complete work missed for absence or other reasons, he/she will receive an "incomplete" for the marking period. The classroom teacher shall determine the number of school days the student will be given following the end of the marking period to make up the missed work.

If work critical to the student's understanding of the subject is not made up by the end of the next marking period, the grade for that subject area may be an "F."

If work is missing during the final marking period of the school year, the grade will be left to the discretion of the teacher. The teacher who has given an incomplete is responsible for reporting to the student the work he/she has missed and citing the consequences mentioned above.

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**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:36-14 Religious holidays; absence of students on; effect  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:32-10.1 et seq. Summer School Sessions

HOMEWORK/MAKEUP WORK (continued)

**Possible**

<b><u>Cross References:</u></b>	1320	Participation in out of school community activities
	*1322	Contests for students
	*5020	Role of parents/guardians
	*5113	Attendance, absences and excuses
	*5124	Reporting to parents/guardians
	*6145	Extracurricular activities
	*6153	Field trips
	6174	Summer school

**Policy**

INSTRUCTIONAL PLANNING/SCHEDULING

The chief school administrator and staff shall keep abreast of developing technologies and teaching methodologies, investigating those likely to be of benefit to district students, and recommending them for board consideration.

The Elizabeth Board of Education recognizes that district students vary in learning styles and in ability. Therefore, the chief school administrator shall ensure that teaching staff adapt their instructional methods and arrangements to meet identified student needs and encourage maximum individual progress.

The chief school administrator shall ensure that district personnel, time and facilities are used in such a way as to provide the most favorable learning environment for all students, thus fostering achievement of district goals, objectives and standards.

Because the board believes that students can learn better and faster when the skills learned in one discipline are integrated into another, programs, projects and units of study shall be encouraged that require the use of reading, writing and mathematics skills in conjunction with other areas of study, such as music, art, science, etc. The board also encourages programs that call on various skill levels of several grades in one discipline, such as musical presentations, science fairs, and other similar efforts.

Every effort should be made to further district affirmative action/equity goals in developing instructional arrangements.

The board directs that instruction be planned and scheduled in such a way that there is minimum disruption of the school day, including movement between classes and conflicting activities.

Nonpublic School Students

Required instructional services shall be delivered to nonpublic school students in facilities that are acceptable and convenient to staff and students.

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**Legal References:** N.J.S.A. 18A:33-1

District to furnish suitable facilities; adoption of courses of study

INSTRUCTIONAL PLANNING/SCHEDULING (continued)

<u>N.J.S.A.</u> 18A:46-19.5	Services to students in nonpublic schools
<u>N.J.S.A.</u> 18A:46A-5	Consent of parent or guardian; location
<u>N.J.A.C.</u> 6A:8-1.1 <u>et seq.</u>	Standards and Assessments
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education
<u>N.J.A.C.</u> 6A:26-12.1 <u>et seq.</u>	Operation and Maintenance of Facilities

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*4113/4213	Assignment; transfer
	*5145.4	Equal educational opportunity
	*5200	Nonpublic school students
	*6010	Goals and objectives
	6130	Organizational plan
	6141.4	Independent study
	*6142.2	English as a second language; bilingual/bicultural
	*6151	Class size
	6152	Grouping
	*6171.2	Gifted and talented
	*6171.4	Special education

INSTRUCTIONAL SERVICES AND RESOURCES

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

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

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

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

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

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

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**Legal References:** N.J.S.A. 18A:34-1 Textbooks; selection; furnish free with supplies; appropriations  
N.J.A.C. 6A:7-1.4 et seq. Responsibilities of the district board of education  
N.J.A.C. 6A:8-2.1 Authority for educational goals and standards  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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

**Possible**

**Cross References:** \*3220/3230 State funds; federal funds  
\*4113/4213 Assignment; transfer  
\*5145.4 Equal educational opportunity  
\*6121 Nondiscrimination/affirmative action

INSTRUCTIONAL SERVICES AND RESOURCES (continued)

- \*6141 Curriculum design/development
- \*6142.2 English as a second language; bilingual/bicultural
- \*6161.1 Guidelines for evaluation and selection of instructional materials
- \*6171.3 At-risk and Title 1
- \*6171.4 Special education

**Policy**

GUIDELINES FOR EVALUATION AND SELECTION OF INSTRUCTIONAL MATERIALS

The Elizabeth Board of Education believes that textbooks should support and enrich the curriculum and make possible the achievement of the district's instructional goals. The chief school administrator shall develop procedures for continual review of new texts being offered and evaluation of those already in use to ensure that the textbooks used in this district are up to date in the factual matter they present and further the district's instructional goals. Textbooks and instructional materials should be judged by additional standards which shall include, but not be limited to:

- A. Does the material reflect the district's affirmative action/equity policy, which prohibits the teaching or encouragement of bias based on any categories listed in law or board policy?
- B. Does it help students develop abilities in critical reading and thinking?
- C. Does it provide effective basic or advanced education for the students for whom it is intended?

The review process shall:

- A. Be conducted by teaching staff members, particularly those teachers who will be using the materials as an integral part of the instructional program;
- B. Include a written review of the material which shall reflect the consensus of the teaching staff;
- C. Provide an opportunity for public inspection of the recommended text.

The chief school administrator shall develop administrative rules outlining a procedure for the selection of instructional materials that meets the above criteria. Instructional materials used within the district should be sufficient in quantity and scope to meet the needs of every student in the district.

The board, by law, makes the final textbook selection decision. However, prior to final adoption, the recommendations resulting from each review will be given thorough consideration.

Any citizen who objects to the final selections made by the board should follow the procedures outlined in board policy 6161.2 Complaints Regarding Instructional Materials.

Animal Dissection

GUIDELINES FOR EVALUATION AND SELECTION  
OF INSTRUCTIONAL MATERIALS (continued)

Animal dissection is not required and alternative education to be provided:

The board, by law, will allow students to refuse to participate in animal dissection.

- A. The board will offer an alternate education program for a course or portion of a course involving dissection of animals;
- B. A public school student from kindergarten through grade 12 may refuse to dissect, vivisect, incubate, capture or otherwise harm or destroy animals or any parts thereof as part of a course of instruction:
  - 1. "Alternative education project" means the use of video tapes, models, films, books, computers, or any other tools which provide an alternative method for obtaining and testing the knowledge, information, or experience required by a course of study.
  - 2. "Animal" means any living organism that is an invertebrate, or is in the phylum chordata or organisms which have a notochord and includes an animal's cadaver or severed parts of an animal's cadaver.
- C. The school shall notify students and their parents or guardians at the beginning of each school year of the right to decline to participate in the activities enumerated in "A" of this section and shall authorize parents or guardians to assert the right of their children to refuse to participate in these activities. Within two weeks of the receipt of the notice, the students, parents or guardians shall notify the school if the right to decline participation in the enumerated activities will be exercised;
- D. Any student who chooses to refrain from participation in or observation of a portion of a course of instruction in accordance with this section shall be offered an alternative education project for the purpose of providing the student with the factual knowledge, information or experience required by the course of study. A student may refuse to participate in an alternative education project which involves or necessitates any harmful use of an animal, or animal parts;
- E. A student shall not be discriminated against, in grading or in any other manner, based upon a decision to exercise the rights afforded pursuant to this act.

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GUIDELINES FOR EVALUATION AND SELECTION OF INSTRUCTIONAL MATERIALS (continued)

<b><u>Legal References:</u></b> <u>N.J.S.A.</u> 18A:4-25	Prescribing minimum courses of study for public schools; approval of courses of study
<u>N.J.S.A.</u> 18A:33-1	District to furnish suitable facilities; adoption of courses of study
<u>N.J.S.A.</u> 18A:34-1	Textbooks; selection; furnished free with supplies; appropriations
<u>N.J.S.A.</u> 18A:35-1 <u>et seq.</u>	Curriculum and Courses
<u>N.J.S.A.</u> 18A:35-4.25	Districts to provide an alternate to dissection
<u>N.J.A.C.</u> 6A:7-1.4	Responsibilities of the district board of education
<u>N.J.A.C.</u> 6A:23A-20.4 <u>et seq.</u>	Ownership and storage of textbooks
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
Comprehensive Equity Plan, State Department of Education	

**Possible**

**Cross References:**

*1312	Community complaints and inquiries
*2224	Nondiscrimination/affirmative action
*5145.4	Equal educational opportunity
6000	Concepts and roles in instruction
*6010	Goals and objectives
*6121	Nondiscrimination/affirmative action
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142.1	Family life education
*6144	Controversial issues
*6161.2	Complaints regarding instructional materials
*6163.1	Media center/library

COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS

The Elizabeth Board of Education recognizes that opinions may differ on the appropriateness of any given instructional materials and equipment. Occasionally an individual or group may find instructional materials used in the schools that conflict with their views. Any resident of this district shall have the right to present a request, suggestion or complaint in reference to the physical plant, playgrounds, subject matter or instructional materials.

The chief school administrator shall develop procedures to give careful consideration to such requests, suggestions or complaints. These procedures shall provide that:

- A. All such requests, suggestions or complaints shall be submitted in writing to the chief school administrator;
- B. Whenever possible the process be initiated and solved at the lowest effective level;
- C. District response is courteous and prompt;
- D. Successive steps of appeal and mechanisms for review are available when necessary.

The use of challenged materials or equipment by class or school shall not be restricted until a final decision has been reached.

The final decision on controversial reading matter shall rest with the board after careful examination and discussion of the book or reading matter with school officials or others the board may wish to involve.

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**Legal Reference:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Board of Education Island Trees U.F.S.D. v. Pico, 457 U.S. 853 (1982)

**Possible**

**Cross References:** \*1312 Community complaints and inquiries  
2220 Representative and deliberative groups

COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS (continued)

- \*6144 Controversial issues
- \*6161.1 Guidelines for evaluation and selection of instructional materials

**Regulation**

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COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS

For complaints or grievances relating to instructional materials such as textbooks, library books, reference works and other instructional aids used in the district, the following procedures shall be followed:

- A. Complaints or grievances shall be submitted in writing and include:
  - 1. Author;
  - 2. Title;
  - 3. Publisher;
  - 4. Sections objected to, by page and item;
  - 5. Reasons for objection; f. In what school and class the material was used; and
  - 6. How the material was used.
- B. Written complaints or grievances shall be submitted to the building principal;
- C. The building principal shall notify the chief school administrator or designee and provide him/her a copy of the written request, suggestion, complaint or grievance;
- D. The chief school administrator shall advise the Board of any complaint;
- E. The chief school administrator shall appoint appropriate staff to a review committee for the investigation of the issue;
- F. The chief school administrator shall be an ex-officio member of the committee.

Review Committee

The appointed review committee, in evaluating the questioned materials, shall be guided by the following criteria:

- A. The appropriateness of the material for the age and maturity level of the students with whom it is being used;
- B. The accuracy of the material;
- C. The objectivity of the material;
- D. The use being made of the material.

General Procedures

COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS (regulation continued)

- A. The material in question shall not be withdrawn from use pending the committee's decision;
- B. The committee's decision shall be reported to the chief school administrator in writing within 15 days following the formation of the committee;
- C. The chief school administrator will advise the complainant in writing of the committee's decision, and advise the Board of the action taken or recommended;
- D. The complainant may appeal this decision to the board through a written request to the chief school administrator, who shall forward the request and all written material relating to the matter to the board.

Appeals

- A. The board shall review the case at a regular meeting of the board with a majority of members present;
- B. As appropriate, and when not infringing on the privacy of any individuals, the person or group having registered a complaint about district programs, operations, or instructional materials, to briefly summarize the complaint/grievance during the normal public participation time of the regular board meeting so that the matter becomes a part of the board minutes, the official public record;
- C. The board shall advise the complainant in writing of its decision within 15 days;
- D. These regulations shall no way change or amend those procedures which are specified by Tenure Employees Hearing Act of provisions of the collective bargaining agreement. The procedures shall follow those which are required by law or contract.

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GUIDELINES PERTAINING TO OVERDUE, DAMAGED, OR LOST INSTRUCTIONAL MATERIAL

Fines shall be charged students who, whether through misuse or deliberate action, damage or lose school property. Under the law, a student who defaces or otherwise injures school furnishings or other property may be disciplined and his/her parents/guardians fined the amount of the damage.

- A. When a student loses or excessively damages a textbook which is the property of the school district, the school shall Fine the student an amount appropriate to the damage.
- B. All athletic personnel shall be responsible for the proper use and care of all materials and equipment. They shall personally issue such materials to pupils and shall keep an accurate record of all equipment and materials issued, a copy of which shall be filed. They shall collect all equipment at the end of each sport season. Charges shall be made for lost equipment. The athletic director shall be responsible for the issuance of requisitions for purchases, repairs, and cleaning of athletic equipment and materials.
- C. Band and other musical instruments must be returned in appropriate condition or fines shall be levied for damages.

Adopted: Unknown  
NJSBA Review/Update: March 2009, April 2019  
**Readopted:** June 13, 2019

<b><u>Legal References:</u></b>	<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A. 2A:53A-15</u>	Liability of parent or guardian for willful destruction of property by infant under 18
	<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
	<u>N.J.S.A. 18A:17-46</u>	Act of violence; report by school employee; notice of action taken; annual report
	<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
	<u>N.J.S.A. 18A:36-5.1</u>	School Violence Awareness Week
	<u>N.J.S.A. 18A:37-1 et seq.</u>	Discipline of Pupils
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:37-2, -2.1 through -2.5, -3, -7 through -12</u>	
	<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion
	<u>N.J.A.C. 6A:16-1.1 et seq.</u>	Programs to Support Student Development

OVERDUE, DAMAGED, OR LOST INSTRUCTIONAL MATERIAL (continued)**Possible**

<b><u>Cross References:</u></b>	*1120	Board of education meetings
	*3250	Income from fees, fines, charges
	3517	Security
	4148	Employee protection
	4248	Employee protection
	*5114	Suspension and expulsion
	*5119	Transfers
	*5124	Reporting to parents/guardians
	*5131	Conduct/discipline
	5131.4	Campus disturbances
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*6114	Emergencies and disaster preparedness
	*6172	Alternative educational programs

COMMUNITY RESOURCES

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

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

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

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

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**Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:16-1.1 et seq. Programs to support student development  
See particularly:  
N.J.A.C. 6A:16-4.1,-4.2  
N.J.A.C. 6A:30-1.1et seq. Evaluation of the performance of school districts

**Possible**

**Cross References:** \*1000/1010 Concepts and roles in community relations; goals and objectives  
1210 Community organizations  
\*1220 Ad hoc advisory committees  
\*1410 Local units  
\*1600 Relations between other entities and the district  
\*3280 Gifts, grants and bequests  
\*4222 Noninstructional aides

COMMUNITY RESOURCES (continued)

- \*5131.6 Drugs, alcohol, tobacco (substance abuse)
- \*6142.1 Family life education
- \*6142.2 English as a second language; bilingual/bicultural
- \*6142.13 HIV prevention education
- \*6153 Field trips
- 6164.6 Tutoring
- \*6171.2 Gifted and talented
- \*6171.3 At-risk and Title 1
- \*6171.4 Special education
- 9420 Recognition of individuals--citizens, students, staff members or members of board

RESEARCH

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

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

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

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

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

RESEARCH (continued)

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

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

Staff Research

Staff members who wish to make graduation and other research studies involving students in the district schools, school programs, or data collected in the district shall present a plan for study to the chief school administrator's office. Such studies shall require board approval.

Staff members writing professional articles in which the Elizabeth Public Schools are mentioned are requested to submit the article to the chief school administrator for verification of accuracy prior to publication.

Parent/Guardian Notification

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

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

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

RESEARCH (continued)

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

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

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

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

**Possible**

**Cross References:**

*1140	Distribution of materials by students and staff
1315	Distribution of materials to students and staff
4132	Publications/materials
*5020	Role of parents/guardians
*5124	Reporting to parents/guardians
*5125	Student records
*5141.3	Health examinations and immunizations
*6147.1	Evaluation of individual student performance

**Policy**

MEDIA CENTER/LIBRARY

The district's media centers shall contain a wide range of materials on all levels of difficulty, appealing to diverse tastes, and presenting different points of view. Every student shall have access to a media collection containing materials appropriate to age level, interests and courses of study. Library/media services connected to classroom studies shall be provided in each school. These services shall include access to computers, approved instructional software, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research. Library/media services shall be provided under the direction of a certified school library media specialist.

The chief school administrator has final responsibility for the selection of media center materials by professionally trained personnel including media specialists, teachers, principals and supervisors. Requests from faculty and students shall be given consideration.

In selecting materials to recommend for purchase, the media specialist shall evaluate the existing collection and consult reputable, unbiased, professionally prepared selection aids, and specialists from all departments and/or all grade levels.

In addition to standard book materials, the board shall provide for the use of a wide variety of audiovisual materials and equipment to enhance the curriculum.

The media centers shall offer a continuous program of instruction in library and study skills, preparing students for independent use of learning resources and for development of reading, listening and viewing abilities and tastes.

The chief school administrator shall develop and present for board approval a media center/library program to provide necessary space, personnel and material to implement this policy.

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**Legal References:** N.J.A.C. 6A:9B-14.14 School library media specialist  
N.J.A.C. 6A:9B-14.15 Associate school library media specialist  
N.J.A.C. 6A:13-2.1 Standards-based instructional priorities  
47 U.S.C. 254(h) Children's Internet Protection Act

MEDIA CENTER/LIBRARY (continued)

Board of Education Island Trees U.F.S.D. v. Pico, 457 U.S. 853 (1982)

**Possible**

- Cross References:**
- \*1312 Community complaints and inquiries
  - \*6161.1 Guidelines for evaluation and selection of instructional materials
  - \*6161.2 Complaints regarding instructional materials

LIVE ANIMALS IN THE CLASSROOM

Domesticated animals may be brought into the classroom for educational purposes which include activities related to interest, handling experience, enrichment, in addition to a purely academic, subject matter approach. All animals permitted in the school shall be supervised, maintained and cared for in such a way as to ensure the safety of children and the wellbeing of the animal.

The principal shall approve all requests for live animals in classrooms. Guidelines as established by the American Humane Association, "Care and Management of Animal Visitors at School", shall be followed by classroom teachers wishing to have animals in the classroom. Animals are to be in good health.

Animals must be appropriately housed, humanely cared for and handled, according to the following guidelines:

- A. Only the teacher or students designated by the teacher are to handle the animals;
- B. If animals are to be kept in the classroom on days when classes are not in session, the teacher must make arrangements for their care and safety;
- C. Teachers with questions regarding proper care, feeding and handling of animals should contact the science resource teacher or the principal; and
- D. The teacher must assume responsibility for the humane proper treatment of any animal in the classroom.

Permission to Bring Animals to School

Persons bringing animals into the school shall receive prior permission from the teacher and the principal.

- A. Teachers shall check with the school nurse regarding any known allergies existing among students in the classroom, prior to granting permission. If allergies exist parents must be contacted for further direction;
- B. Teachers must be aware of any existing laws regulating sale, distribution, and handling of animals;
- C. Animals are not to be transported on a school bus;

LIVE ANIMALS IN THE CLASSROOM (continued)

- D. All experiments using live animals must have prior approval of the principal according to existing law;
- E. If an animal has bitten a staff member or student where skin has been pierced, the teacher must report the incident immediately to the school office:
1. The principal assumes all responsibility to:
    - a. Notify public health authorities; and
    - b. Impound the animal for observation.
  2. Public health authorities will determine the appropriate term of confinement of the animal and method of observation.

Permission shall not be granted if any child or staff member has allergies or immune deficiencies that make them especially susceptible to diseases transmitted by animals or allergic reactions. The school nurse shall be consulted before an animal may be brought into the classroom and precautions taken to minimize health risks to the staff and students.

Injury to Persons

The following steps will be followed in the event a student, staff member, or visitor to school is bitten or scratched by an animal in school. The teaching staff member or adult supervisor in charge will:

- A. Take immediate and prudent steps to prevent further injury;
- B. Follow/send the injured person to the school nurse for immediate examination (see policy and procedure 5141.1 Accidents, 5141.2 Injuries);
- C. Capture (if safe and possible) and impound the animal; and
- D. In consultation with the school nurse, contact the Board of Health to determine if any further action is required.

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Possible

<b><u>Cross References:</u></b>	*5141	Student health
	*5141.1	Accidents
	*5141.2	Illness

LIVE ANIMALS IN THE CLASSROOM (continued)

- \*5141.21 Administration of medication
- \*5142 Pupil Safety
- 6000 Concepts and roles in instruction
- \*6010 Goals and objectives
- \*6140 Curriculum adoption
- \*6142 Subject fields
- \*6145 Extracurricular activities

INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION STUDENTS

The Elizabeth Board of Education shall provide a program of intervention and referral services for general education students who are experiencing personal, interpersonal or academic difficulties to help them function productively and develop positively in the classroom environment.

The chief school administrator shall prepare procedures to:

- A. Identify learning, behavior and health difficulties of students;
- B. Collect thorough information on the identified learning, behavior and health difficulties;
- C. Identify the roles and responsibilities of the building staff who participate in planning and providing intervention and referral plan and services;
- D. Develop and implement action plans which provide for appropriate school or community interventions or referrals to school and community resources, based on the collected data and desired outcomes for the identified learning, behavior and health difficulties;
- E. Provide support, guidance and professional development to school staff who identify learning, behavior and health difficulties and refer students to school staff who participate in planning and providing intervention and referral services;
- F. Actively involve parents/guardians in the development and implementation of intervention and referral plans;
- G. Coordinate the access to and delivery of school resources and services for achieving the outcomes identified in the intervention and referral services action plan;
- H. Coordinate the services of community-based social and health provider agencies and other community resources for achieving the outcomes identified in the intervention and referral services action plans;
- I. Maintain records of all requests for assistance and all intervention and referral services plans in accordance with federal and state law and regulation;
- J. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan and modify each plan to achieve the outcomes as appropriate; and
- K. At a minimum, annually review the intervention and referral services action plans and the actions taken as a result of the building's system of intervention and referral services and make

INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION STUDENTS (continued)

recommendations to the principal for improving school programs and services, as appropriate.

The board shall review and adopt these procedures, and the chief school administrator shall report to the board on their implementation.

Team Composition

This represents the minimum standing unit of the intervention and referral services (I&RS) team. Additional staff or resources can be added as ad hoc members as needed.

- A. The building principal or designee;
- B. An instructional staff member (general education teacher);
- C. One or more representatives from the following: substance abuse coordinator, guidance counselor, school psychologist, learning disabilities teacher, school social worker, speech/language therapist, school nurse, school physician, and others as necessary;
- D. The person requesting assistance joins the Team, requests can be made from individuals that work with students on behalf of the school district as well as parents or other concerned persons.

Selection

The principal determines the manner of selection of the standing Team.

General Characteristics of Effective Teams

- A. Grade level representation;
- B. Multidisciplinary perspective;
- C. Interpersonal skills;
- D. Skills in effecting change;
- E. Proactive personnel.

Professional Development

All school staff should be afforded professional development opportunities that support student achievement of high academic standards. Consistent with this principle, the ongoing training of I&RS Team members and school staff in effective implementation of the Intervention and Referral Services program is critical.

INTERVENTION AND REFERRAL SERVICES FOR GENERAL EDUCATION STUDENTS (continued)

Staff members should be:

- A. Knowledgeable about the district's and their school's policies and procedures of Intervention and Referral Services as well as related school and community policies and resources;
- B. Knowledgeable about the district's and their school's instructional objectives and curriculum;
- C. Familiar with their school's whole school reform model;
- D. Knowledgeable about traditional, innovative, and culturally sensitive instructional practices and other education programs.

Parental/Guardian Involvement

- A. The teacher, prior to a request for a referral to the I & RS Team assistance, should demonstrate ongoing communications with parent about academic, behavior and/or health issues. Examples may include conferences, phone calls, and notices home;
- B. The parent(s)/guardian(s) shall be involved in academic, behavioral and health planning. A member of the Team shall invite the parent/guardian to be involved in the initial meeting.

Community Members

Where appropriate the Team will involve community resources.

Team Meetings

- A. Each building will develop a schedule for Team meetings;
- B. Such meetings will follow research-based procedures for collaborative problem solving meetings.

The I&RS Team may also serve as the Section 504 Review Committee. In this capacity they will function as outlined in Section 504 Services; policy and regulations.

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INTERVENTION AND REFERRAL SERVICES FOR GENERAL  
EDUCATION STUDENTS (continued)

**Legal Reference:** N.J.A.C. 6A:16-8.1 et seq. Intervention and Referral Services

**Possible**

**Cross References:** \*6164.4 Child study team  
\*6172 Alternative educational programs

GUIDANCE SERVICES

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

The Elizabeth Board of Education shall ensure all students have access to adequate and appropriate counseling services. When informing students about possible careers or professional or vocational opportunities, the options presented to students shall not be restricted or limited on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. No biased or stereotyped tests or guidance or counseling materials shall be used.

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

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

Students shall be encouraged to avail themselves of the help of the guidance department’s personnel.

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

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

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

Date: August 4, 1984  
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GUIDANCE SERVICES (continued)

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**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:35-4.2 Career development program  
N.J.S.A. 18A:36-19 Student records; creation, maintenance and retention, security and access; regulations; nonliability  
N.J.S.A. 18A:36-19.1 Military recruiters; access to schools and student information directories  
N.J.S.A. 18A:38-36 Employment certificates to part-time students; revocation  
N.J.S.A. 18A:46-5.1 Basic child study team services; provision by boards of education and state operated programs  
N.J.A.C. 6A:7-1.7 Equality in school and classroom practices  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment  
See particularly:  
N.J.A.C. 6A:8-3.2  
N.J.A.C. 6A:9B-14.2 Substance awareness coordinator  
N.J.A.C. 6A:9B-14.7 Director of school counseling services  
N.J.A.C. 6A:9B-14.8 School counselor  
N.J.A.C. 6A:14-3.4 Evaluation  
N.J.A.C. 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
N.J.A.C. 6A:32-7.1 et seq. Student Records  
N.J.A.C. 6A:32-12.2 Guidance and counseling

**Possible**

**Cross References:** 5000 Concepts and roles in student personnel  
 5010 Personal goals and objectives for students  
 \*5020 Role of parents/guardians  
 \*5113 Absences and excuses  
 \*5114 Suspension and expulsion  
 \*5120 Assessment of individual needs  
 \*5124 Reporting to parents/guardians  
 \*5125 Student records  
 \*5131 Conduct/discipline  
 \*5131.1 Harassment, intimidation and bullying  
 \*5131.6 Drugs, alcohol, tobacco (substance abuse)  
 \*6142.12 Career education  
 \*6145 Extracurricular activities  
 \*6146 Graduation requirements  
 \*6164.4 Child study team  
 \*6171.1 Remedial instruction  
 \*6171.2 Gifted and talented  
 \*6171.4 Special education  
 \*6172 Alternative educational programs

GUIDANCE SERVICES (continued)

\*6173 Home instruction

CHILD STUDY TEAM

The Elizabeth Board of Education shall provide the services of child study team personnel in numbers sufficient to ensure implementation of pertinent law and regulation. The chief school administrator shall present to the board for approval job descriptions, qualifications and evaluation criteria for positions required, and shall present to the board for hiring the best qualified applicants. The child study team shall consist of a school psychologist, a learning disability teacher consultant and a school social worker, and for the purposes of evaluation and classification shall include pertinent information from certified school personnel making the referral.

When complete evaluations of students are necessary, the chief school administrator shall recommend for board approval qualified persons or agencies to supplement the district team. Appropriate staff members, such as the nurse and teachers assigned to the student, shall also be involved.

Students who have been identified by any professional staff member, the parents/guardians of the child, a child welfare agency or by the health services staff as possibly having an educational disability shall be considered for evaluation.

Teachers and administrators shall provide intervention resources (e.g., adaptive teaching methods and materials, schedule changes, modified workloads, corrective or remedial instruction, etc.) in order to discover whether an observed difficulty is the result of problems within the educational delivery system. Parents/ guardians shall be notified of such interventions. The members of the child study team shall be available to discuss problems informally with teachers and parents/guardians.

If the problems persist despite these intervention techniques, a formal referral, requiring due process procedures, shall be initiated. The examination of each such student shall proceed promptly in strict accordance with law. The board shall review and adopt the regulations governing the referral process.

Examination of each identified child shall consist of a physical examination, a psychological examination, an educational examination, a social case study, and such other examinations as may be deemed necessary by the child study team.

Any decision by the basic child study team concerning the evaluation, classification and placement of a student shall include the full participation of that student's parents or guardian.

Students at Risk

In addition to the students with disabilities, the child study team shall consider and recommend appropriate remedies and/or programs for students at risk for school failure. Child study team

CHILD STUDY TEAM (continued)

members may participate as part of the multidisciplinary team in making decisions regarding a student's placement in an alternative education program.

All staff members shall be familiar with and implement the discipline policies and procedures adopted by this the board (see board policy 5131 Conduct and Discipline). This implementation of the student code of conduct combined with consistent documentation shall provide data that may be used to identify students that are at risk for school failure due emotional and behavior issues. Staff members shall report the names of students who disrupt the educational program to the appropriate administrator who shall initiate actions that will ensure the involvement of the student's family and the provision of counseling and assessment services, so as to determine the causes of the student's disruptive behavior. A request for pre-referral intervention or for referral for evaluation may be made to the child study team. Throughout this process, administrators, support staff, teachers, parents/guardians, and if prudent, the student shall be involved. If all strategies prove unsuccessful, referral to the appropriate outside agency may be made.

Students whose continuing attendance interrupts the educational program and/or threatens harm to themselves and others may be suspended and considered for expulsion.

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**Legal References:** N.J.S.A. 18A:46-3.1 Regional consultants for hearing impaired; appointment; duties  
N.J.S.A. 18A:46-5.1 Basic child study team services; provision by boards of education and state operated programs  
N.J.S.A. 18A:46-5.2 Participation by parent or guardian  
N.J.A.C. 6A:9B-14.5 School social worker  
N.J.A.C. 6A:9B-14.6 Speech-language specialist  
N.J.A.C. 6A:9B-14.7 Director of school counseling services  
N.J.A.C. 6A:9B-14.8 School counselor  
N.J.A.C. 6A:9B-14.9 School psychologist  
N.J.A.C. 6A:9B-14.10 Learning disabilities teacher-consultant  
N.J.A.C. 6A:14-1.1 et seq. Special Education  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

20 U.S.C.A. 1400 et seq. - 1990 Individuals with Disabilities Education Act, P.L. 101-476

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

**Possible**

**Cross References:** \*4111 Recruitment, selection and hiring

CHILD STUDY TEAM (continued)

- \*5114 Suspension and expulsion
- \*5120 Assessment of individual needs
- \*5131 Conduct/discipline
- \*5200 Nonpublic school students
- \*6010 Goals and objectives
- \*6146.2 Promotion/retention
- \*6164.2 Guidance services
- \*6171.4 Special education
- \*6172 Alternative educational programs

SPECIAL INSTRUCTIONAL PROGRAMS

The regular curriculum of the district's schools is designed to accomplish the district's educational goals and objectives for a thorough and efficient system of education for all students.

When necessary, the regular program shall be altered or supplemented or other means used to provide for the identified needs of the following students:

- A. The classifiable educationally disabled;
- B. The gifted and talented;
- C. Those requiring compensatory or remedial programs;
- D. The students at risk for school failure;
- E. Pregnant students;
- F. Students requiring home instruction;
- G. The physically disabled;
- H. Students who are English language learners;

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<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
	<u>N.J.S.A.</u> 18A:35-15 through -26	Bilingual Education Programs
	<u>N.J.S.A.</u> 18A:46-1 <u>et seq.</u>	Classes and Facilities for Handicapped Children
	<u>N.J.S.A.</u> 18A:46A-1 <u>et seq.</u>	Auxiliary services
	<u>N.J.A.C.</u> 6A:8-3.1 <u>et seq.</u>	Implementation of the New Jersey Student Learning Standards
	<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
	<u>N.J.A.C.</u> 6A:15-1.1 <u>et seq.</u>	Bilingual Education

SPECIAL INSTRUCTIONAL PROGRAMS (continued)

N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

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

**Possible**

**Cross References:** \*6142.2 English as a second language; bilingual/bicultural  
\*6171.1 Remedial instruction  
\*6171.2 Gifted and talented  
\*6171.3 At-risk and Title 1  
\*6171.4 Special education  
\*6172 Alternative educational programs  
\*6173 Home instruction  
6174 Summer school  
\*6178 Early childhood education/preschool



REMEDIAL INSTRUCTION (continued)

<u>N.J.A.C.</u> 6A:8-4.4	Annual review and evaluation of school districts
<u>N.J.A.C.</u> 6A:8-5.1	Graduation
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts

**Possible**

**Cross References:**

*4138.2	Private tutoring
*5120	Assessment of individual needs
*6141	Curriculum design/development
*6142	Subject fields
*6142.6	Basic skills
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency
*6171.3	At-risk and Title 1

Policy

GIFTED AND TALENTED

Definitions

"Gifted and talented student" means a student who possesses or demonstrates a high level of ability in one or more content areas when compared to their chronological peers in the school district and who requires modifications of their educational program if they are to achieve in accordance with their capabilities.

"Instructional adaptation" means an adjustment or modification to instruction enabling a student who is gifted and talented to participate in, benefit from, and demonstrate knowledge and application of the New Jersey Student Learning Standards in one or more content areas at the instructional level of the student, not just the student's grade level.

The board of education shall ensure that appropriate instructional adaptations and educational services are provided to gifted and talented students in kindergarten through grade 12 to enable them to participate in, benefit from, and demonstrate knowledge and application of the New Jersey Student Learning Standards at the instructional level of the student.

Gifted and Talented Program

The board of education directs that the chief school administrator and appropriately trained and qualified staff members designated by the chief school administrator shall:

- A. Ensure that appropriate instructional adaptations are designed for students who are gifted and talented;
- B. Make provisions for an ongoing kindergarten through grade 12 identification process for gifted and talented students that includes multiple measures in order to identify student strengths in intellectual ability, creativity, or a specific academic area. The district shall ensure equal access to a continuum of gifted and talented education services. The identification process shall include consideration of all students, including those who are English language learners and those with individualized education plans (IEPs) or 504 plans;
- C. Develop and document appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment, and including, but not limited to, additional education activities such as academic competitions, guest speakers, and lessons with a specialist;
- D. Take into consideration the Gifted Programming Standards, Position Statements, and White Papers of the National Association for Gifted Children in identifying and serving gifted and

GIFTED AND TALENTED (continued)

talented students;

- E. Provide the time and resources to develop, review, and enhance instructional tools with modifications for helping gifted and talented students acquire and demonstrate mastery of the required knowledge and skills specified by the standards at the instructional level of the student; and
- F. Actively assist and support professional development for teachers, educational services staff, and school leaders in the area of gifted and talented instruction including their efforts to meet mandatory professional development requirements (see board policy 4131/4131.1 Staff Development, Inservice Education, Visitation, Conferences and N.J.A.C. 6A:9C-3).

Gifted and Talented Curriculum and Instruction

The board shall provide appropriate kindergarten-through-grade-12 (K-12) educational services for gifted and talented students.

The chief school administrator shall develop and the board shall approve criteria for identifying all gifted and talented students in kindergarten through grade 12. The identification process shall include multiple measures. Gifted and talented students shall be provided with appropriate instructional adaptations and services to encourage development of their special abilities in achieving the New Jersey Student Learning Standards.

The chief school administrator or designee shall ensure that the curriculum and instruction are designed and delivered in such a way that all students are able to demonstrate the knowledge and skills specified by the New Jersey Student Learning Standards. The curriculum and instruction shall provide educational challenges to students identified as gifted and talented and shall be reviewed regularly.

Curriculum and instruction shall be designed with consideration for the individual learning styles of each student as well as the capacity of a gifted student to create concepts, respond to stimuli in a unique and creative manner, and develop higher levels of thinking. Appropriate accommodations, instructional adaptations, and/or modifications as determined by the IEP or 504 team shall be made for students with disabilities or 504 plans.

Because early discovery of a gift or talent is important, it is essential that the identification of these students be carried on as a continuing process, since special abilities and skills appear at different times in the development of many children.

The chief school administrator shall coordinate development of appropriate curricular and instructional modifications used for gifted and talented students indicating content, process, products, and learning environment. The board directs the chief school administrator to take into consideration the prekindergarten through grade 12 Gifted Programming Standards of the National Association for Gifted Children in developing school and district programs for gifted and talented students.

GIFTED AND TALENTED (continued)

The chief school administrator shall devise indicators of achievement to evaluate the success of each program presented to the board for adoption.

The chief school administrator shall take the appropriate measures to ensure that minority and female students are not underrepresented in gifted and talented or accelerated/advanced courses.

Coordinator for Gifted and Talented Services

The state coordinator for gifted and talented services appointed by the commissioner of education, shall be responsible for reviewing the information about gifted and talented services provided by the district. The chief school administrator or designee shall file a report with the coordinator on a schedule that coincides with the district's New Jersey Quality Single Accountability Continuum (NJQSAC) review. The report shall include, but not be limited to:

- A. The gifted and talented continuum of services, policies, and procedures implemented in the school district;
- B. The total number of students receiving gifted and talented services in each grade level kindergarten through grade 12 disaggregated by race, gender, special education designation, and English language learner designation;
- C. The professional development opportunities provided for teachers, educational services staff, and school leaders about gifted and talented students, their needs, and educational development; and
- D. The number of staff employed by the school district whose job responsibilities include identification of and providing services to gifted and talented students.

Complaint Process

Any individual who believes that the district has not complied with the provisions in the law or administrative code related to gifted and talented services may file a complaint with the board of education. The complaint shall be submitted in writing to the board office. The chief school administrator or designee shall take the necessary actions to correct or remediate the complaint and report such actions to the board. The board shall issue a decision, in writing, to affirm, reject, or modify the district's action in the matter.

If the complaint is not resolved to the individual's satisfaction or the individual is not satisfied by the written decision of the board, the individual may then file a petition of appeal of the board's written decision to the Commissioner of Education through the Office of Controversies and Disputes in accordance with law (N.J.S.A. 18A:6-9) and the procedures set forth in State Board of Education regulations.

This complaint policy shall be linked to the homepage of the board's website.

Information Available on Website

GIFTED AND TALENTED (continued)

Detailed information shall be available on the district website regarding the policies and procedures used to identify students as gifted and talented and the continuum of services offered to gifted and talented students. The information shall include the criteria used for consideration for eligibility for the gifted and talented services, including the multiple measures used in the identification process to match a student's needs with services, and any applicable timelines in the identification process.

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<b><u>Legal References:</u></b>	<u>N.J.S.A.</u> 18A:35-4.15 through -4.16	Legislative findings and declarations; chess instruction for second-grade students in gifted and talented and special education programs ...
	<u>J.S.A.</u> 18A:35-34	Short Title: Strengthening Gifted and Talented Education Act
	<u>N.J.S.A.</u> 18A:35-35	Definitions relative to gifted and talented students
	<u>N.J.S.A.</u> 18A:35-36	Instructional adaptations, educational services for gifted and talented students
	<u>N.J.S.A.</u> 18A:35-37	Coordinator for gifted and talented services
	<u>N.J.S.A.</u> 18A:35-38	Complaint for noncompliance
	<u>N.J.S.A.</u> 18A:35-39	Information available on the website
	<u>N.J.S.A.</u> 18A:61C-10	Dual enrollment agreement increased availability of college-level instruction; scope
	<u>N.J.S.A.</u> 18A:61C-11	Acceptance of course credit
	<u>N.J.S.A.</u> 18A:61C-15	Eligibility to receive college credit
	<u>N.J.S.A.</u> 18A:61C-16	Awarding college credit
	<u>N.J.A.C.</u> 6A:8-1.3	Definitions
	<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
	<u>N.J.A.C.</u> 6A:8-3.3	Enrollment in college courses
	<u>N.J.A.C.</u> 6A:13-2.3	Standards-based instruction
	<u>N.J.A.C.</u> 6A:30-1.4	Evaluation process for the annual review

GIFTED AND TALENTED (continued)

P.L. 2019, c. 338, Strengthening Gifted and Talented Education Act

National Association for Gifted and Talented, [www.nagc.org](http://www.nagc.org)

Pre-K-Grade 12 Gifted Programming Standards, <http://www.nagc.org/resources-publications/resources/national-standards-gifted-and-talented-education/pre-k-grade-12>

**Possible**

- Cross References:**
- \*1600 Relations between other entities and the district
  - \*6010 Goals and objectives
  - \*6121 Nondiscrimination/affirmative action
  - \*6171 Special instructional programs

**Policy**

TITLE I

IMPROVING ACADEMIC ACHIEVEMENT AND PARENT AND FAMILY ENGAGEMENT

The Elizabeth Public School District shall comply with all state and federal requirements in developing, implementing, administering and evaluating funded compensatory education programs and in particular programs and activities provided with Title I funds.

The purpose of Title I funding is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

Definitions

A Title I targeted assistance program provides supplemental Title I services to eligible students who are identified failing or most at risk of failing to meet the New Jersey Student Learning Standards and have the “greatest need” for academic assistance. Categorizing students with “the greatest need” is based entirely on academic need (low achievement) and poverty is not a factor. Title I, Part A funds may only be used to upgrade the educational program for the targeted group identified as academically at risk. Schools with targeted assistance programs do not meet the 40% poverty threshold required for a schoolwide program.

A Title I schoolwide program permits a school to use Title I, Part A funds to upgrade the entire educational program of the school in order to raise academic achievement for all students. A school is eligible to have a schoolwide program when the school meets the 40% or greater poverty threshold and has as a goal upgrading the entire educational program with Title I, Part A funds.

(Note: the 40% or greater poverty threshold is waived for propriety and focus schools under the approved New Jersey ESEA flexibility waiver.)

District Educational Plan

The district educational plan shall be developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, administrators, other appropriate school personnel, and with parents of children in schools receiving Title I funds. As appropriate, the district educational plan shall be coordinated with other federal programs as detailed in the Every Student Succeeds Act of 2015, the Individuals with Disabilities Education Act (20 U.S.C.A. 1400 et seq.), the Rehabilitation Act of 1973 (20 U.S.C.A. 701 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C.A. 2301 et seq.), the Workforce Innovation and Opportunity Act (29 U.S.C.A. 3101 et seq.), the Head Start Act (42 U.S.C.A. 9831 et seq.), the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. 11301 et seq.), the Adult Education and Family Literacy Act (29 U.S.C.A. 3271 et seq.), and other Acts as appropriate.

The district educational plan shall describe:

TITLE I (continued)

- A. How student progress in meeting the New Jersey Student Learning Standards shall be monitored. To ensure that students are successful in achieving the New Jersey Student Learning Standards the district shall:
1. Develop and implement a well-rounded program of instruction that meets the academic needs of all students;
  2. Identify students who may be at risk for academic failure;
  3. Provide additional educational assistance to individual students determined to need help in meeting the New Jersey Student Learning Standards; and
  4. Identify and implement instructional and other strategies intended to strengthen academic programs and improve school conditions for student learning;
- B. How the district shall identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers;
- C. How the district shall carry out its responsibilities when the district is identified as needing comprehensive support and improvement and targeted support and improvement;
- D. The poverty criteria that will be used to select school attendance areas under the federal law (section 1113);
- E. The nature of the programs to be conducted by the district schools including school-wide and targeted assistance programs (sections 1114 and 1115) and, where appropriate, educational services provided outside the schools for children living in local institutions for neglected or delinquent children, and for neglected and delinquent children in community day school programs;
- F. The services the district will provide homeless children and youths, including services to support the enrollment, attendance, and success of homeless children and youths, in coordination with the services the district is providing under the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. 11301 et seq.);
- G. The strategy the district will use to implement effective parent and family engagement;
- H. If applicable, how the district will support, coordinate, and integrate Title I services with early childhood education programs, including plans for the transition of participants in preschool programs to elementary school programs;
- I. How teachers and school leaders, in consultation with parents/guardians, administrators, paraprofessionals, and specialized instructional support personnel, in schools operating a targeted assistance school program, will identify the eligible children most in need of services;
- J. How the district will implement strategies to facilitate effective transitions for students from middle grades to high school and from high school to postsecondary education including, if

TITLE I (continued)

applicable coordination with institutions of higher education, employers, and other local partners; and increase student access to early college high school or dual or concurrent enrollment opportunities, or career counseling to identify student interests and skills;

- K. How the district will support efforts to reduce the overuse of discipline practices that remove students from the classroom;
- L. As appropriate, how the district will support programs that coordinate and integrate academic and career and technical education content through coordinated instructional strategies; and
- M. Any other information on how the district proposes to use funds to meet the purposes of the federal Title I program including identifying and serving gifted and talented students; and developing effective school library programs to provide students an opportunity to develop digital literacy skills and improve academic achievement.

If the district educational plan is not satisfactory to the parents/guardians of participating children, the district shall submit the parent/guardian comments with the plan to the New Jersey Department of Education.

Parent and Family Engagement

The chief school administrator or his or her designees shall ensure that parents/guardians and family members are involved in developing the district Title I educational plan. The district shall provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within district in planning and implementing effective parent and family involvement activities to improve student academic achievement and school performance. In providing coordination, technical assistance, and other support, the chief school administrator or his or her designee may obtain meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education. To the extent feasible and appropriate, parent and family engagement strategies shall be coordinated and integrated with other relevant Federal, State, and local laws and programs. The chief school administrator shall ensure that an annual evaluation of the content and effectiveness of the parent and family engagement policy is conducted annually.

Parents/guardians shall be involved in the activities of the schools. These activities may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members of the district schools to adequately represent the needs of the district population for the purposes of developing, revising, and reviewing the board parent and family engagement policy.

School Level Parent and Family Engagement

Each district school served by Title I funds shall convene an annual meeting at a convenient time, to which all parents/guardians of participating children shall be invited and encouraged to attend. The purpose of this meeting shall be to inform parents/guardians of programs and activities provided with

TITLE I (continued)

Title I funds, to explain the federal requirements for participation in the federal Title I program, and inform parents/guardians of their right to be involved.

The building principal or his or her designee shall ensure that parents/guardians are involved, in an organized, ongoing and timely way, in the planning, review, and improvement of Title I programs. Parents/guardians shall be included in the planning, review, and improvement of the school parent and family engagement effort consistent with board policy for targeted assistance programs and/or the joint development of the schoolwide program plan.

A flexible number of meetings shall be offered, such as meetings in the morning or evening. Transportation, child care, or home visits, as such services relate to parental involvement may be provided with Title I funds.

The parents/guardians and family members of all participating children shall be invited to attend and participate in district Title 1 programs. The principal or his or her designee shall ensure opportunities are provided for the informed participation of parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children), including providing information and school reports required by law in a format and, to the extent practicable, in a language parents/guardians understand.

Specifically, parents/guardians of participating children shall:

- A. Receive timely information about programs and activities provided with Title I funds;
- B. Receive a description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the achievement levels of the New Jersey Student Learning Standards; and
- C. If requested by parents/guardians, be provided opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

If the schoolwide program plan is not satisfactory to the parents/guardians of participating children, the principal or his or her designee shall submit any parent/guardian comments with the schoolwide plan to the chief school administrator and the board.

This parent and family engagement policy shall be distributed to parents and family members of participating children.

Building Capacity for Parent and Family Engagement

The chief school administrator shall ensure effective involvement of parents/guardians and implement appropriate measures to support a partnership among the schools, parents/guardians, and the community to improve student academic achievement. The chief school administrator or his or

TITLE I (continued)

her designee shall ensure that each of the district schools shall at a minimum:

- A. Provide assistance to parents/guardians in understanding New Jersey Student Learning Standards, the New Jersey Department of Education approved statewide proficiency assessments, school administered assessments, the requirements under federal law, and how to monitor a child's progress and work with educators to improve the achievement of their children;
- B. Provide materials and training to help parents to work with their children to improve their children's achievement;
- C. Educate teachers, specialized instructional support personnel, principals, and other school leaders, and other staff, with the assistance of parents, in the value and utility of contributions of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
- D. Coordinate and integrate parent involvement programs and activities to the extent feasible, with other Federal, State, and local programs, including public preschool programs, and conduct other activities, that support involvement;
- E. Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; and
- F. Provide such reasonable support as requested by parents/guardians.

School-Parent Compact

High student achievement is a shared responsibility. Each school receiving Title I funds shall jointly develop a school-parent compact that outlines how parents, the entire school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards. Such compact shall:

- A. Describe the school's responsibility to provide high-quality curriculum and instruction in a supportive and effective learning environment that enables the children to meet the challenging State academic standards;
- B. Describe the ways in which each parent will be responsible for supporting their children's learning; volunteering in their child's classroom; and participating, as appropriate, in decisions relating to the education of their children and positive use of extracurricular time; and
- C. Address the importance of communication between teachers and parents/guardians on an ongoing basis through, at a minimum:
  - 1. Parent-teacher conferences in elementary schools, at least annually, during which the

TITLE I (continued)

- compact shall be discussed as the compact relates to the individual child's achievement;
2. Frequent reports to parents on their children's progress;
  3. Reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities; and
  4. Ensuring regular two-way, meaningful communication between family members and school staff, and, to the extent practicable, in a language that family members can understand.

Annual Evaluation

An annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools shall be conducted with the meaningful involvement of parents and family members. The annual evaluation shall identify:

- A. Barriers to greater participation by parents in activities authorized with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background;
- B. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
- C. Strategies to support successful school and family interactions.

The findings of the evaluation shall be used to design evidence-based strategies for more effective parental involvement, and to revise, if necessary, the parent and family engagement policy.

Comparability of Services

As a condition of receiving Title I funds, State and local funds shall only be used in the schools to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds. When all the schools of the district are served by Title I funds, the district will use State and local funds to provide services that, taken as a whole, are substantially comparable in each school. Comparability may be on a grade-span by grade-span basis or a school-by-school basis.

To be in compliance with the requirements of federal law the board of education shall establish a district-wide salary guide.

The board directs the chief school administrator to assign teachers, administrators, and other staff to the schools in such a way that equivalence of personnel is ensured among the schools. In addition, the board directs the chief school administrator to distribute curriculum materials and instructional supplies to the schools in such a way that equivalence is ensured among the schools.

A. Equivalence

In order to meet the requirements for equivalence the board shall file with the New Jersey

TITLE I (continued)

Department of Education a written assurance that the following has been established and implemented in the district:

1. A district-wide salary schedule;
2. A policy to ensure equivalence among schools in teachers, administrators, and other staff; and
3. A policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

B. Determination of Expenditures

In the determination of expenditures per student from State and local funds, or instructional salaries per student from State and local funds, staff salary differentials for years of employment shall not be included in such determinations.

C. Exclusion

Unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year shall be excluded in determining comparability of services.

D. Procedures and Records

The chief school administrator shall develop procedures for compliance with these requirements and maintain records that are updated biennially documenting the district's compliance.

Supplement not Supplant

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

Maintenance of Effort

The board of education will maintain a combined fiscal effort per student or aggregate expenditures of state and local funds with respect to the provision of the public education for the preceding fiscal year that is not less than 90% of the required amount of the combined fiscal effort per student or the aggregate expenditures for the second preceding fiscal year.

Eligibility for State and Federal Funds

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

Control over such funds and title to all equipment and supplies purchased with such funds shall

TITLE I (continued)

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

General

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

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

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**Readopted:** June 13, 2019

**Legal References:** N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures  
N.J.S.A. 18A:59-1 through -3 Apportionment and distribution of federal funds; exceptions  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964

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

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

**Possible**

**Cross References:** \*3220/3230 State funds; federal funds  
 \*3514 Equipment  
 \*5120 Assessment of individual needs  
 \*5200 Nonpublic school students  
 \*6122 Articulation  
 \*6141 Curriculum design/development  
 \*6142.2 English as a second language; bilingual/bicultural  
 \*6142.6 Basic skills

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- \*6171.1 Remedial instruction
- \*6171.4 Special education

NEW JERSEY DEPARTMENT OF EDUCATION

PARENTAL RIGHTS IN SPECIAL EDUCATION/PROCEDURAL SAFEGUARD STATEMENT

New Jersey Administrative Code for special education (N.J.A.C. 6A:14) and the federal Individuals with Disabilities Education Act of 2004 (IDEA 2004) are laws that ensure children with disabilities a free, appropriate public education in the least restrictive environment. An important part of these laws provides parents with the right to participate in their children’s education.

You and representatives of your school district are team members who are responsible for developing an appropriate educational program for your child. This document will describe the state and federal laws affecting the provision of special education to help you understand your rights in the special education process. With this knowledge, you will be prepared to take an active role in your child’s education.

This document has been developed for you by the Department of Education, Office of Special Education Programs, in an effort to provide the most comprehensive and up-to-date information. The document is periodically revised to reflect changes in the law, provide additional information that would be of use to you, and to provide the information in a more clear and concise manner.

If you need additional help in understanding your rights, contact information for the Statewide Parent Advocacy Network (SPAN), Disability Rights New Jersey (DRNJ), the County Offices of the New Jersey Department of Education and your local school district is listed on page 42 of the New Jersey Department of Education publication, *Parental Rights in Special Education* (revised August 2016).

This is the procedural safeguards statement required in accordance with New Jersey Administrative Code (N.J.A.C.) 6A:14-2.3(g)7.

Reference:

New Jersey Department of Education, *Parental Rights in Special Education*, Revised August 2016).  
<http://www.state.nj.us/education/specialed/form/prise/prise.pdf>

SPECIAL EDUCATION

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

Full Educational Opportunity for Students with Disabilities

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

The board shall ensure that:

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

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

SPECIAL EDUCATION (continued)

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

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

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

Participation of and Consultation with the Parents/Guardians

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

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

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

- A. The parent of the student cannot be identified or located;
- B. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student;
- C. The student is a ward of the state and no State agency has taken steps to appoint a surrogate parent for the student;
- D. No parent can be identified for the student in accordance with N.J.A.C. 6A:14-1.3 except a foster parent, the foster parent does not agree to serve as the student's parent and no State agency has

SPECIAL EDUCATION (continued)

taken steps to appoint a surrogate parent for the student;

- E. The student is an unaccompanied homeless youth and no State agency has taken steps to appoint a surrogate parent for the student.
1. The district will make reasonable efforts to appoint a surrogate parent within 30 days of its determination that a surrogate parent is required for a student;
  2. The district will appoint a person who will be responsible for appointing surrogate parents and overseeing the process. The responsible person will:
    - a. Determine whether there is a need for a surrogate parent for a student;
    - b. Contact any State agency that is involved with the student to determine whether the State has had a surrogate parent appointed for the student; and
    - c. Make reasonable efforts to select and appoint a surrogate parent for the student within 30 days of determining that there is a need for a surrogate parent for the student.
  3. The district will establish a method for training surrogate parents that includes provision of information with respect to parental rights and procedural safeguards available to parents and students in accordance with N.J.A.C. 6A:14:
    - a. The district will appoint a person that will be responsible for training surrogate parents;
    - b. The training of surrogate parents will ensure that surrogate parents have knowledge and skills that ensure adequate representation of the child with a disability;
    - c. The training will be designed to make surrogate parents familiar with State and federal requirements for assessment, individualized education program development, and parental rights with respect to the referral and placement process, including their rights with respect to seeking a due process hearing if they disagree with the local procedure or decisions;
    - d. Surrogate parents will be provided with copies of: the Parental Rights in Special Education booklet; N.J.A.C. 6A:14; the Special Education Process; Code Training Materials from the Department of Education Website; and other relevant materials; and
    - e. Surrogate parents will be provided information to enable them to become familiar with the nature of the child's disability.
  4. The district will ensure that:
    - a. All persons serving as surrogate parents have no interest that conflicts with those of the student he or she represents;
    - b. All persons serving as surrogate parents possess knowledge and skills that ensure adequate representation of the student;
    - c. All persons serving as surrogate parents are at least 18 years of age;
    - d. If the school district compensates the surrogate parent for providing such services, a criminal history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and
    - e. No person appointed as a surrogate parent will be an employee of the New Jersey

SPECIAL EDUCATION (continued)

Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

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

## A. Consent shall be obtained:

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

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

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

- B. When electronic mail is utilized, parents shall be informed as to whether they may use electronic mail to submit requests to school officials regarding referral, identification, evaluation, classification, and the provision of a free, appropriate public education. Parents shall be informed of the procedures to access the electronic mail system and that they may not utilize electronic mail to provide written consent when the district provides written notice and seeks parental consent.
- C. Written notice shall be in language understandable to the general public, and shall be provided in the native language of the parent, unless it is clearly not feasible to do so according to N.J.A.C. 6A:14-2.4. Written notice shall include:
  1. A description of the action proposed or denied by the board;
  2. An explanation of why the action is being taken;
  3. A description of any options that were considered and the reasons why those options were rejected;

SPECIAL EDUCATION (continued)

4. A description of the procedures, tests, records or reports and factors used in determining whether to propose or deny an action;
  5. A description of any other factors that are relevant to the proposal or refusal of the action;
  6. A statement that the parents/guardians of a student with a disability have protection under the procedural safeguards, the means by which a copy of a description of the procedural safeguards can be obtained and sources for parents to contact to obtain assistance in understanding the provisions of the law; and
  7. In addition, a copy of the procedural safeguards statement published by the New Jersey Department of Education which contains a full explanation of the procedural safeguards available to parents shall be provided only one time per year, except that a copy shall also be provided:
    - a. Upon referral for an initial evaluation;
    - b. Upon request by a parent;
    - c. When a request for a due process hearing is submitted to the Department of Education;
    - d. When a request for a complaint investigation is submitted to the Department; and
    - e. When a student is removed for disciplinary reasons and the removal constitutes a change in placement.
  8. The annual written notice of the procedural safeguards to parents/guardians and/or adult students shall be provided as follows:
    - a. The board shall provide written notice no later than 15 calendar days after making a determination;
    - b. The board shall provide written notice at least 15 calendar days prior to the implementation of a proposed action so that the parents/guardians and/or adult student may consider the proposal;
    - c. The district board of education shall implement the proposed action after the opportunity for consideration (in 2 above) unless parent/guardian disagrees with the proposed action and the district takes action in an attempt to resolve the disagreement; or mediation or a due process hearing is requested.
- D. The parent/guardian shall be given the opportunity to participate in meetings regarding the identification, evaluation, classification, educational placement of, or the provision of a free, appropriate public education to the student.

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

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

SPECIAL EDUCATION (continued)

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

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

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

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

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

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

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

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

SPECIAL EDUCATION (continued)

process.

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

- A. The evaluation process to determine a student's eligibility for educational and related services beyond those available within the regular public school program shall be conducted in strict compliance with the provisions of N.J.A.C. 6A:14-2.3, 2.5, 3.4, 3.5, 3.6 and 3.7 dealing with:
  - 1. Parental notice, notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- B. The child study team, the parent and the regular education teacher of the student who has knowledge of the student's educational performance or if there is no teacher of the student, a teacher who is knowledgeable about the district's programs shall:
  - 1. Review existing evaluation data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers, and consider the need for any health appraisal or specialized medical evaluation;
  - 2. Identify what additional data, if any are needed to determine whether the student has a disability;
  - 3. Determine which child study team members and/or specialists shall conduct each assessment that is part of the evaluation.
- C. Prior to conducting any assessment as part of an initial evaluation, the district shall request and obtain consent to evaluate;
- D. If the parent refuses to provide consent to conduct the initial evaluation, the district may file for a due process hearing according to N.J.A.C. 6A:14-2.7 to compel consent to evaluate;
- E. The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services;
- F. After parental consent for initial evaluation of a preschool age or school age student has been received, the evaluation, determination of eligibility for services under this chapter, and, if eligible, development and implementation of the IEP for the student shall be completed within 90 calendar days. This time frame shall not apply if the parent/guardians fails or refuses to produce the child for the evaluation;
- G. An initial evaluation consisting of a multi-disciplinary assessment in all areas of suspected disability shall be conducted. Such evaluation shall include at least two assessments and shall be conducted by at least two members of the child study team in those areas in which they have appropriate training or are qualified through their professional licensure or educational

SPECIAL EDUCATION (continued)

certification and other specialists in the area of disability as required or as determined necessary;

- H. When the suspected disability is a disorder of articulation, voice or fluency, the speech-language specialist shall meet with the parent/guardian and the student's general education teacher about the student's educational performance to review existing data on the student including evaluations and information provided by the parents, current classroom-based assessments and observations, and the observations of teachers and related services providers;
- I. A comprehensive written report of the results of each assessment shall be prepared according to the specifications in law (N.J.A.C. 6A:3.4(h));
- J. When conducting an initial evaluation or reevaluation, the reports and assessments of child study team members or related services providers may be submitted by the parents/guardians to the child study team for consideration. Each report and assessment shall be reviewed and considered by the child study team member or related services provider with relevant knowledge or expertise. A report or component thereof may be utilized as a required assessment, if the assessment has been conducted within one year of the evaluation and the child study team determines the report and assessment meet the state (see N.J.A.C. 6A:14-3.4,h) and district requirements;
- K. Upon receipt of a written referral to the child study team, the school nurse shall review and summarize available health and medical information regarding the student and shall transmit the summary to the child study team for the meeting to consider the need for a health appraisal or specialized medical evaluation.

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

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

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

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

Upon completion of an initial evaluation or reevaluation, a parent may request an independent evaluation if there is disagreement with the initial evaluation or a reevaluation provided the board. A parent shall be entitled to only one independent evaluation at public expense each time an initial evaluation or reevaluation is conducted with which the parent disagrees. The request for an independent evaluation shall specify the assessment(s) the parent is seeking as part of the independent evaluation request. The independent evaluation shall be provided at no cost to the parent

SPECIAL EDUCATION (continued)

unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing.

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

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

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

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

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

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

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

The board directs the chief school administrator or his or her designee to maintain documentation that the teacher and provider, as applicable, has been informed of his or her specific responsibilities related to implementing the student's IEP. The board shall ensure that there is no delay in

SPECIAL EDUCATION (continued)

implementing a student's IEP including any case in which the payment source for providing or paying for special education and related services is being determined.

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

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

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

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

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

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

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

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

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

SPECIAL EDUCATION (continued)

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

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

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

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

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

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

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

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

SPECIAL EDUCATION (continued)

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

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

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

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

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

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

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

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

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

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

SPECIAL EDUCATION (continued)

When a reevaluation is completed:

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

Required Materials and Services

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

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

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

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

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

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

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

SPECIAL EDUCATION (continued)

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

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

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

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

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

SPECIAL EDUCATION (continued)

requirement, his/her IEP shall specify which requirements would qualify the student with a disability for the State endorsed diploma issued by the district.

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

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

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

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

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

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

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

A statement of any individual modifications in the administration of statewide or districtwide assessments of student achievement needed for the student to participate in such assessment shall be included in the student's IEP. If the IEP team determines that the student shall not participate in a

SPECIAL EDUCATION (continued)

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

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

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

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

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

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

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

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

1. The board shall make reasonable efforts to obtain parental consent for an initial evaluation for any ward of the state. If, after reasonable efforts, the parent cannot be found, or parental rights have been terminated, or subrogated for purposes of consenting to eligibility by the court and consent has been given by an individual the court has appointed, parental consent need not be obtained for an initial evaluation.
2. When a parent refuses to provide consent for implementation of the initial IEP, no IEP shall be finalized and the board may not seek to compel consent through a due process hearing. However, if a parent refuses special education and related services on behalf of a student, the

SPECIAL EDUCATION (continued)

board shall not be determined to have denied the student a free, appropriate public education because the student failed to receive necessary special education and related services nor shall the board be determined in violation of its child-find obligation solely because it failed to provide special education or related services to a student whose parents refused to provide consent for implementation of the initial IEP. If a parent refuses to provide consent and the district and the parent have not agreed to other action, prior to conducting any assessment as part of an initial evaluation or reevaluation and prior to the release of student records the district may request a due process hearing according to N.J.A.C. 6A:14-2.7(b) to obtain consent.

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

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

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

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

SPECIAL EDUCATION (continued)

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

Procedural safeguards shall include:

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

SPECIAL EDUCATION (continued)

- I. Discipline, suspension and expulsion procedures for up to 10 consecutive or cumulative school day that are subject to the same board procedures as nondisabled students. However, at the time of removal, the principal shall forward written notification and a description of the reasons for such action to the case manager and the student's parent(s);
- J. Protection of student information and the maintenance of student records according to board policy 5125 Student records and law (N.J.A.C. 6A:32-7);
- K. Except as provided in N.J.A.C. 6A:14-6.1(a) and required by an administrative law judge when the district failed to provide a free and appropriate education, the board shall not be required to pay for the cost of education, including special education and related services, of a student with a disability if the district made available a free, appropriate public education and the parents elected to enroll the student in a nonpublic school, an early childhood program, or an approved private school for students with disabilities;
- L. Related services including, but not limited to, counseling, occupational therapy, physical therapy, school nurse services, recreation, social work services, medical services and speech-language services shall be provided to a student with a disability when required for the student to benefit from the educational program. Related services shall be provided by appropriately certified and/or licensed professionals as specified in the student's IEP;
- M. The chief school administrator shall ensure that the district's special education programs comply with the law in every respect, including fiscal regulations and reports;
- N. These procedures shall provide all due process protection for the rights of the student and his/her parents/guardians. Procedures shall be conducted in strict compliance with the provisions of the administrative code dealing with parental notification, consent and involvement, including determination of the parents/guardians' dominant language and necessary accommodations if the language is other than English or if the parents/guardians are deaf;
- O. To implement achievement of the board's goal for provision of special education, the chief school administrator shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. The plan shall consist of policies, procedures, assurances; a comprehensive system of personnel development; data collection and an application that describes the use of IDEA Part B funds;
- P. Complying with other aspects of the district program for special education and/or requirements of N.J.A.C. 6A:14.

Written Plan

To implement achievement of the board's goal for provision of special education, the chief school administrator shall oversee development of a written plan for special education conforming to the state plan for the educationally disabled. After the plan has been approved by the board of education

SPECIAL EDUCATION (continued)

and the executive county superintendent, the chief school administrator shall implement it in this district and supervise its operation so that it will accomplish its stated goals and objectives. The plan, any alterations to it, and an evaluation of its effectiveness will be shared annually with the community.

Discipline

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

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

- A. In imposing a removal of ten days or less on a classified student, the building principal may, on a case-by-case basis, consider any unique circumstances pertaining to the violation of the student code of conduct. Any such unique circumstance shall be included in the above written description of the reasons for removal;
- B. Special education students are entitled to receive general educational services on or before the fifth day of suspension. A building principal who imposes a suspension of five days or more on a special education student must contact the case manager to ensure that appropriate services are provided.

Preschool students with disabilities shall not be suspended or expelled.

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

(See board policy 5114 Suspension and Expulsion)

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

The board shall designate at least one staff member to serve as a disability services resource for parents. The designated staff member shall be able to demonstrate competency in the various services available through State agencies that serve persons with disabilities, and shall provide information to parents about how to access the services and assistance to parents in contacting the

SPECIAL EDUCATION (continued)

appropriate State agency. The district shall conduct outreach activities to ensure that the parents of children who receive special education services in the district, and local community disability organizations and service providers, are made aware of the name and contact information of the designated staff member.

Early Intervention

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

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

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

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

Preschool Disabled Program

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

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

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

The board shall make the final decisions with respect to the services to be provided to eligible

SPECIAL EDUCATION (continued)

students with disabilities enrolled in nonpublic schools or early childhood programs and spend an amount of money equal to a proportionate amount of Federal funds available under Part B of the IDEA for the provision of services to students with disabilities who are attending nonpublic schools.

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

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

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

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

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

Native Language

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

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

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

The chief school administrator shall ensure that the in-service training need for professional and paraprofessional staff who provide special education, general education or related services are identified. Appropriate in-service training shall be provided. The board directs the chief school

SPECIAL EDUCATION (continued)

administrator to maintain information to demonstrate district efforts to:

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

Cooperation with Other Agencies

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

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

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

Annual Reports

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

Eligibility for State and Federal Funds

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

SPECIAL EDUCATION (continued)

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

Access

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

Date:	November 13, 1986
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Revised:	April 7, 2009
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Revised:	June 30, 2011
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NJSBA Review/Update:	December 2018
<b>Readopted:</b>	June 13, 2019

SPECIAL EDUCATION (continued)**6171.4 Special Education Policy Crosswalk**

<b>DOE Policy #</b>	<b>Topic</b>	<b>Section</b>	<b>Page</b>
Policy #1	Located, identified and evaluated	Location, Referral and Identification	5
Policy #2	Homeless students are located, identified and evaluated	Location, Referral and Identification	5
Policy #3	Evaluation	Evaluation and Determination of Eligibility	6
Policy #4	Individualized education program	Individualized Education Program	7-8
Policy #5	Least restrictive environment	Participation in Regular Educational Programs to the Maximum Extent Appropriate/ Least Restrictive Environment	9-10
Policy #6	Assessment programs	Assessment	12-13
Policy #7	Procedural safeguards	Procedural Safeguards	14-16
Policy #8	Free, appropriate public education available to students suspended or expelled	Full Educational Opportunity Discipline (also see board policy 5114 Suspension and Expulsion)	1-2 16-17
Policy #9	Early intervention programs	Early Intervention Programs	17
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Policy #11	Student records	Compilation, Maintenance, Access to and Confidentiality of Student Records (also see board policy 5125 Student Records)	13-14
Policy #12	Participation of students and parents in nonpublic schools	Nonpublic Schools	17-18
Policy #13	Student placed in private schools/services	Placement in Private Schools	18
Policy #14	Staff qualifications	Staff Qualifications and Staff Development	18-19
Policy #15	In-service training needs for professional and paraprofessional staff	Staff Qualifications and Staff Development	18-19
Policy #16	Instructional materials will be provided to blind or print-disabled students	Required Materials and Services	11
Policy #17	Receive services from the Division of Developmental Disabilities	Required Materials and services	11
Policy #18	Electronic mail	Parental Consent, Notice, Participation, and Meetings	3-4
Policy #19	Consultation on a regular basis	Individualized Education Program	7-8
Policy #20	Stability in special education	5118 Foster Care and Educational Stability	

SPECIAL EDUCATION (continued)

	programming	
Policy #21	Dyslexia Screening	5120 Assessment of Individual Needs

SPECIAL EDUCATION (continued)

**ADDENDUM: TO 6171.4 SPECIAL EDUCATION POLICY**

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

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

**PART I - POLICIES**

**COUNTY CODE:** 39 **COUNTY NAME:** Union

**DISTRICT CODE:** 1320 **DISTRICT NAME:** Elizabeth

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

**Policy #1:**

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

**Policy #2:**

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

**Policy #3:**

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

**Policy #4:**

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

**Policy #5:**

To the maximum extent appropriate students with disabilities are educated in the least restrictive

SPECIAL EDUCATION (continued)

environment according to N.J.A.C. 6A:14-4.2.

**Policy #6:**

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

**Policy #7:**

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

**Policy #8:**

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

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

**Policy #9:**

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

**Policy #10:**

Full educational opportunity to all students with disabilities is provided.

SPECIAL EDUCATION (continued)**Policy #11:**

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

**Policy #12:**

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

**Policy #13:**

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

**Policy #14:**

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

**Policy #15:**

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

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

**Policy #16:**

SPECIAL EDUCATION (continued)

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

**Policy #17:**

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

**Policy #18:**

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

**Policy #19:**

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

**\*Policy #20:**

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

**\*Policy #21:**

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

**PART II – PROCEDURES**

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

**Policy #1:**

All students with disabilities, who are in need of special education and related services, including

SPECIAL EDUCATION (continued)

students with disabilities attending nonpublic schools, regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

**AND**

**Policy #2:**

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

**AND**

**Policy #7:**

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

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

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

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

1. Child find activities are limited to the population of students enrolled in the charter or renaissance school or served by the state agency.

SPECIAL EDUCATION (continued)

2. Person(s) to conduct child find activities are identified.
3. Child find activities are conducted at least annually.
4. Child find activities (meetings, printed materials and/or public service announcements) are conducted in the native language of the population, as appropriate.

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

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

**Procedures for referral must ensure that:**

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

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

1. A surrogate parent is provided to a student in accordance with N.J.A.C. 6A:14-2.2 when:
  - a. The parent of the student cannot be identified or located.
  - b. An agency of the State has guardianship of the student and that agency has not taken steps to appoint a surrogate parent for the student.

SPECIAL EDUCATION (continued)

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

SPECIAL EDUCATION (continued)

history review of the person in accordance with N.J.S.A. 18A:6-7.1 is completed prior to his or her serving as the surrogate parent; and

- e. No person appointed as a surrogate parent will be an employee of the New Jersey Department of Education, the district board of education or a public or nonpublic agency that is involved in the education or case of the child.

**Policy #3:**

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

**Procedures:**

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

**Policy #4:**

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

**Procedures:**

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

**Policy #5:**

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

**Procedures:**

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

**Policy #6:**

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

**Procedures:**

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

SPECIAL EDUCATION (continued)

are required.

**Policy #8:**

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

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

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

SPECIAL EDUCATION (continued)

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

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

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

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

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

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

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

**Policy #9:**

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

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

SPECIAL EDUCATION (continued)

the child's initial IEP meeting.

2. The Part C service coordinator will be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

**Policy #10:**

Full educational opportunity to all students with disabilities is provided.

**Procedures:**

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

**Policy #11:**

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

**Procedures:**

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

**Policy #12:**

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

**Procedures:**

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

**Policy #13:**

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

**Procedures:**

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

SPECIAL EDUCATION (continued)

**Policy #14:**

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

**Procedures:**

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

**Policy #15:**

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

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

**Procedures:**

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

**Policy #16:**

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

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

**Policy #17:**

SPECIAL EDUCATION (continued)

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

**Procedures:**

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

**Policy #18:**

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

**Procedures:**

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

**Policy #19:**

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

**Procedures:**

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

**\*Policy #20:**

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

**Procedures:**

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

**\*Policy #21:**

SPECIAL EDUCATION (continued)

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

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

<p><b><u>Legal References:</u></b> <u>N.J.S.A. 10:5-1 et seq.</u>  <u>N.J.S.A. 18A:46-1 et seq.</u>  <u>See particularly:</u>  <u>N.J.S.A. 18A:46-13</u>  <u>N.J.S.A. 18A:46A-1 et seq.</u>  <u>N.J.A.C. 5:23-1 et seq.</u>  <u>N.J.A.C. 6A:7-1.7</u>  <u>N.J.A.C. 6A:8-1.2</u>  <u>N.J.A.C. 6A:8-1.3</u>  <u>N.J.A.C. 6A:8-3.1</u>  <u>N.J.A.C. 6A:8-4.1 et seq.</u>    <u>N.J.A.C. 6A:8-5.1 et seq.</u>    <u>N.J.A.C. 6A:9B-1.1 et seq.</u>  <u>See particularly:</u>  <u>N.J.A.C. 6A:9B-11.4</u>  <u>N.J.A.C. 6A:14-1.1 et seq.</u>  <u>N.J.A.C. 6A:15-1.4</u>    <u>N.J.A.C. 6A:23A-1.1 et seq.</u>  <u>See particularly:</u>  <u>N.J.A.C. 6A:23A-17.4 to -17.7,</u>  <u>-18.1 et seq.</u>  <u>N.J.A.C. 6A:26-6.1 et seq.</u>    <u>N.J.A.C. 6A:30-1.1 et seq.</u>  <u>N.J.A.C. 6A:32-7.1 et seq.</u>  <u>N.J.A.C. 6A:32-8.3</u></p>	<p>Law Against Discrimination  Classes and Facilities for Handicapped Children    Auxiliary Services  Uniform construction code  Equality in school and classroom practices  Scope  Definitions  Curriculum and instruction  Implementation of the Statewide Assessment System  Implementation of Graduation Requirements    State board of examiners and certification    Teacher of students with disabilities  Special Education  Bilingual programs for limited English proficient students  Fiscal accountability, efficiency and budgeting procedures    Planning and Construction Standards for School Facilities  Evaluation of the Performance of School Districts  Student Records  School attendance</p>
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SPECIAL EDUCATION (continued)

N.J.A.C. 6A:33-1.1 et seq. School attendance

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

20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 101-476 (formerly Education for All Handicapped Children Act--Part B)

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

34 CFR 76.1 et seq. - General Administrative Regulation EDGAR

34 CFR 77.1 et seq. - General Administrative Regulation EDGAR

34 CFR 300 - Assistance to States for the Education of Children with Disabilities (IDEA Regulations)

International Building Code 2015, New Jersey Edition; First Printing: September 2015; ISBN: 978-1-60983-156-1; Copyright 2015, International Code Council, Inc.

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

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

Oberti v. Board of Education of Clementon School District, 995 F.2d 1204, 1216-17 (C. A.3 1993)

Cedar Rapids Community School District v. Garrett F., 526 U.S. 66 (1999)

**Possible**

<b><u>Cross References:</u></b>	*1120	Board of education meetings
	*4112.2	Certification
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5125	Student records
	*5131	Conduct/discipline
	*5200	Nonpublic school students
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities
	*6151	Class size
	*6164.2	Guidance services
	*6164.4	Child study team
	*9322	Public and executive sessions

**Policy**

PARENTAL INVOLVMENT

The Elizabeth Board of Education acknowledges that parent involvement in their children’s education is a key element in helping their children to achieve high academic standards. The purpose of the Parental Involvement Policy is to comply with Title I Parent Involvement requirements and to outline programs for enhancing the parental involvement, Elementary and Secondary Education Act (ESEA) Section 1118(a)

Implementation

The Elizabeth School District agrees to implement the following statutory requirements:

1. The school district will put into operation programs, activities, and procedures for the involvement of parents in all of its schools with Title I programs. Those programs, activities, and procedures will be planned and operated with meaningful consultation with parents of participating children;
2. The school district will work with its schools to ensure that the required school-level parental involvement policies meet the Title I requirements and include as a component a school-parent compact;
3. In carrying out the Title I parental involvement requirements, to the extent practicable, the school district and its schools will provide full opportunities for the participation of parents with children with limited English proficiency, parents with children with disabilities, and parents of migratory children including providing information and school reports in an understandable and uniform format and including alternative formats upon request and, to the extent practicable, in a language parents understand;
4. The school district will provide the coordination, technical assistance and support to assist the participating schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance;
5. The school district will involve parents of children served in Title I, Part A schools in decisions about how the one percent (1%) of Title I funds reserved for parental involvement is spent and will ensure that not less than 95 percent (95%) of the one percent (1%) reserved goes directly to the schools.

Each school served with Title I funds will:

1. Involve parents in the planning, review, improvement and joint development of the school parental involvement policy and the joint development of the school wide program plan under Elementary and Secondary Education Act (ESEA)
2. Notify parents of the policy in an understandable and uniform format and, to the extent practicable, in a language the parents can understand;
1. Jointly develop with parents a school-parent compact that outlines how parents, the entire school staff, and students share the responsibility for improved student academic achievement and the means by which the schools and parents will build and develop a partnership to help children achieve the State's high standards;
2. Convene an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation under this part, and explain the requirement of this part, and the right for parents to be involved in the school improvement plan.
3. Build the schools' and parents' capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement.
4. Provide assistance to parents of children served by the school, as appropriate, in understanding topics such as state academic content standards, state student academic achievement standards, state and local academic assessments including alternate assessments, requirements of Title I, and how to monitor their child's progress.
5. Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement.
6. Involve parents of children served under Title I, Part A schools in the decisions about how the one percent (1%) of the Title I Part A reserved for parental involvement is spent.
7. If the schoolwide program plan for Title I, Part A is not satisfactory to the parents of the participating children, the school will submit any parent comments with the plan when the school submits the plan to the school district.
8. Provide parents with timely information about Title I programs.

**Date:** December 11, 2014

**First Reading:** November 20, 2014

**Second Reading:** December 11, 2014

NJSBA Review/Update: December 2018

Readopted: June 13, 2019

Legal References: N.J.S.A. 18A:35-4.9 Student promotion and remediation; policies and procedures  
N.J.S.A. 18A:59-1  
through -3 Apportionment and distribution of federal funds; exceptions

42 U.S.C.A. 2000d - 2000d4 - Title VI of the Civil Rights Act of 1964

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988  
(P.L. 100-297)

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

Cross References: 3220/3230 State funds; federal funds  
3514 Equipment  
5120 Assessment of individual needs  
5200 Nonpublic school students  
6122 Articulation  
6141/6141.1 Curriculum design/development  
6142.2 English as a second language; bilingual/bicultural  
6171.3 At risk, Title I  
6171.4 Special education

INDEPENDENT EDUCATIONAL EVALUATIONS

Special education law permits a parent to request an independent educational evaluation (IEE) for their child if there is disagreement with any evaluation provided by the Board of Education. An “independent educational evaluation” is an evaluation conducted by a qualified examiner who is not an employee of the public school district responsible for the education of the child in question. Such IEEs shall be provided at no cost to the parent unless the school district initiates a due process hearing in accordance with the provisions of N.J.A.C. 6A:14-2.7 et seq. to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. If it is determined the school district’s evaluation is appropriate, the parent still has the right to an IEE, but not at the school district’s expense.

Upon receipt of a parental request for an IEE, the school district shall provide the parent with information about where an IEE may be obtained and the criteria for IEEs according to N.J.A.C. 6A:14-2.5(c)3 and (c)4 and the additional criteria outlined below in this Policy:

1. Any IEE paid for with public funds shall:
  - a. Be conducted according to the provisions of N.J.A.C. 6A:14-3.4; and
  - b. Be obtained from another public school district, educational services commission, jointure commission, a clinic or agency approved under N.J.A.C. 6A:14-5, or private practitioner, who is appropriately certified and/or licensed, where a license is required.
2. An independent medical evaluation may be obtained according to N.J.A.C. 6A:14-5.1(e).

Additional criteria for an IEE shall be as follows:

1. The Board will not pay for an IEE unless it complies with the following criteria unless the parent can show that unique circumstances warrant deviation from same:
  - a. The independent evaluator must be appropriately certified and/or licensed in the State of New Jersey. In instances where no applicable certification/license exists, the evaluator must provide the Board with documentation of extensive and recent training and experience related to the assessment of the known or suspected disability;
    - i. Prior to Board approval, the independent evaluator shall be provided with a copy of this policy and shall submit to the District Director of Student Services copies of the following documentation: current resume, State-issued licenses and certifications, current criminal history record check and proposed contract for evaluation services.

- b. The independent evaluator may only charge fees for educational evaluation services that, in the judgment of the Board, are reasonable in accordance with 2. below;
  - c. The independent evaluator must be free from any conflict of interest;
    - i. The independent evaluator is not currently, or in the past, provided services to the student on whose behalf the IEE has been requested.
  - d. The independent evaluator and members of the Child Study Team must be permitted to directly communicate and share information with each other. The independent evaluator must also agree to release the assessment information, results, and report(s) to the school district prior to receipt of payment for services and prior to or contemporaneous with the submission of the report to the parents;
  - e. For any independent evaluation, whether paid for with public or private funds, the school district shall permit the evaluator to observe the pupil in the classroom or other educational setting, as applicable. The observation shall be for one period in duration unless prior approval is provided by the Superintendent of Schools or the District Director of Student Services. The evaluator will be accompanied by a District staff person for the duration of the observation. The evaluator will not disrupt the learning process during the observation. Any questions the evaluator may have as a result of the observation may be made to the case manager in writing who will follow-up as appropriate;
  - f. The independent evaluator shall make at least one contact with the pupil's case manager for the purpose of determining how the pupil is progressing in his/her current programming.
2. The maximum allowable cost for an independent evaluation will be limited to the reasonable and customary rate, as determined and approved by the Board annually. This rate shall be in the range of what it would cost the Board to provide the same type of assessment through either another public school district, educational services commission, jointure commission, a clinic or agency approved under N.J.A.C. 6A:14-5, or private practitioner, who is appropriately certified and/or licensed, where a license is required. This Board-approved rate shall be provided to the parent upon their request for an IEE. The Board shall not be responsible for any costs beyond the IEE, such as transportation, lodging, food, etc.
    - a. The parent may provide documentation to the Board demonstrating unique circumstances to justify an IEE that exceeds the maximum allowable cost established by the Board. If, in the Board's judgment, there is no justification for the excess cost, the Board may agree to fund the IEE up to the school district's maximum allowable cost with the parent responsible for any remaining costs. In the alternative, the Board may request a due process hearing to enforce its established maximum allowable cost.

If the District is in agreement with a parental request for an IEE, it shall take steps to ensure that the IEE is provided without undue delay. If the District is in disagreement with a parental request for an IEE, by no later than 20 calendar days after receipt of the parental request for the IEE it shall request a due process hearing in accordance with the provisions of N.J.A.C. 6A:14-2.7 et seq. to establish that its evaluation is appropriate.

If a parent requests an IEE, the school district may ask the parent to explain why he or she objects to the school district's evaluation. However, the school district shall not require such an explanation and shall not delay either providing the IEE or initiating a due process hearing to defend the school district's evaluation.

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

If any Administrative Law Judge orders that an IEE be conducted, the IEE shall be obtained by the district in accordance with the decision or Order of the Administrative Law Judge, and the Board of Education shall pay the cost of the IEE in accordance with the provisions of this Policy.

A parent is entitled to only one IEE paid for by the Board each time the school district conducts an evaluation with which the parent disagrees.

**Date:** September 22, 2016  
**First Reading:** July 21, 2016  
**Second Reading:** September 22, 2016  
 NJSBA Review/Update: December 2018  
 Readopted: June 13, 2019

Legal References: N.J.A.C. 6A:14-2.5 Protection in evaluation procedures  
N.J.A.C. 6A:14-2.7 Due process hearings  
 CFR Section 300.502 Independent Educational Evaluations

Cross References: 6171.4 Special education

ALTERNATIVE EDUCATION PROGRAMS

The Elizabeth Board of Education endeavors to provide an education program adjusted to the needs of the individual child within the financial means of the district. Grouping enables a more efficient use of staff in meeting these needs. Program adaptations provide another means of using staff efficiently and effectively to meet the needs of many children.

The board of education recognizes that the active engagement of each student is a primary requisite for sound teaching and learning to take place. When a child is unable to benefit from the educational program the board shall make a determination of the student's risk for school failure and a decision regarding the student's placement in an alternative education program. For general education students the determination shall be based on the following, including but not limited to:

- A. The student's academic, health and behavioral records, including the student's IPP, if one has been developed and the results of available testing, assessment or evaluation of the student;
- B. Consultation with and notice to the student's parent/guardian; and
- C. Information provided by the school-based multidisciplinary team responsible to provide intervention and referral services (see board policy 6164.1 Intervention and Referral Services).

Decisions regarding the placement of a student with a disability in an alternative education program, shall be based on the recommendation of the child study team and consistent with the student's individualized education program (IEP).

Alternative Education Programs

Alternative education programs shall be approved by the Commissioner of Education. Each alternative education program shall fulfill the program criteria that are specified in N.J.A.C. 6A:16-9.2 including but not limited to:

- A. A maximum student-teacher ratio of 12:1 for high school programs;
- B. A maximum student-teacher ratio of 10:1 for middle school programs;
- C. An Individualized Program Plan (IPP) shall be developed for each general education student enrolled in the program; and
- D. For students with disabilities the alternate education program shall be consistent with the student's Individualized Education Program (IEP).

Individualized Program Plan (IPP)

ALTERNATIVE EDUCATION PROGRAMS (continued)

The IPP shall be developed in consultation with the student's parent and the receiving school district, or an alternative education program within a State agency, public college operated program or department-approved school approved by the Commissioner of Education. as appropriate. The IPP shall:

- A. Be developed by a multidisciplinary team of professionals with knowledge of the student's educational, behavioral, emotional, social and health needs;
- B. Identify the appropriate instructional and support services for addressing the student's identified needs;
- C. Be developed in accordance with the format prescribed by the Commissioner of Education and implemented within 30 calendar days of the student's placement in the alternative education program but need not, be developed prior to the student's placement.

The multidisciplinary team that reviews the IPP shall include district staff and staff from the alternative education program who have knowledge of the student's educational, behavioral, emotional, social and health needs.

The multidisciplinary team shall review and, as appropriate, revise the IPP prior to the completion of the student's anticipated enrollment in the alternative education program or prior to the end of the school year, whichever occurs first. Additionally the multidisciplinary team may review and revise the IPP, as needed, at any time during the student's enrollment in the alternative education program.

The student's parent shall be advised of revisions to the IPP.

Home Schooling

The board acknowledges the right of parents/guardians to educate their children at home. The board is not required by law to allow a resident child educated elsewhere than at school to participate in the regular school curriculum or in extracurricular or sports activities. The board may:

- A. Allow a child educated elsewhere than at school to participate in curricular and extracurricular activities or sports activities;
- B. Loan books or materials to a child educated elsewhere than at school.

Required Services to Home Schooled Students

When a student of this district is home schooled, the district shall:

- A. Provide payment for tuition when a student is enrolled in a shared-time vocational school program. Once a resident student is enrolled in a shared-time vocational school program the student becomes a public school student;

ALTERNATIVE EDUCATION PROGRAMS (continued)

- B. Review any written request for a special education evaluation and if warranted conduct an evaluation as described in board policy 6171.4 Special Education and in accordance with the federal special education law, Individuals with Disabilities Education Act (P.L. 108-446 §612).

If the child is eligible for special education and related services, the district shall make a free, appropriate public education available only if the child enrolls in the district. If the child does not enroll in the district, but the district chooses to provide services, the district will develop a plan for the services to be provided.

Removal for Weapons Offenses or Assault

Any student who is convicted or found to be delinquent for the following offenses shall be immediately removed by the principal from the district's regular education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the board of education to remove the student:

- A. Possessing a firearm on any school property, on a school bus, or at a school-sponsored function;  
or
- B. Committing a crime while possessing a firearm.

The chief school administrator shall determine at the end of the year whether the student is to return to the district's regular education program, in accordance with procedures established by the Commissioner of Education.

Any student who assaults a student, teacher, administrator, board member, or other district employee with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative school or program, pending a hearing before the board. The chief school administrator shall determine when the child shall return to the regular education program.

Date:	November 13, 1986
Revised:	August 10, 1989
Revised:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	November 15, 2012
First Reading:	October 18, 2012
Second Reading:	November 15, 2012
NJSBA Review/Update:	December 2018
<b>Readopted:</b>	June 13, 2019

ALTERNATIVE EDUCATION PROGRAMS (continued)

- Legal References:** N.J.S.A. 18A:11-1 General mandatory powers and duties  
N.J.S.A. 18A:37-1 et seq. Discipline of students  
See particularly:  
N.J.S.A. 18A:37-2.2  
N.J.S.A. 18A:38-1, -25, -31 Attendance at school free of charge  
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)  
N.J.A.C. 6A:8-5.1 Graduation requirements  
N.J.A.C. 6A:8-5.2 High school diplomas  
N.J.A.C. 6A:14-1.1 et seq. Special Education  
N.J.A.C. 6A:16-1.3 Alternative education programs  
N.J.A.C. 6A:16-5.5 Removal of students from general education for firearms offense  
N.J.A.C. 6A:16-5.6 Removal of students from general education for assaults with weapons  
N.J.A.C. 6A:16-9.1 et seq. Alternative education programs  
N.J.A.C. 6A:16-10.1 et seq. Home or out-of-school instruction for general education students  
N.J.A.C. 6A:30-3.2 District performance review  
N.J.A.C. 6A:32-12.1 et seq. Student Behavior  
See particularly:  
N.J.A.C. 6A:32-12.2
- 20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 108-446 §612
- State v. Vaughn, 44 N.J. 142, 1965
- State v. Massa, 95 N.J. Super. 382, 1967
- 20 USCA Section 8921 Gun Free Schools Act

**Possible**

- Cross References:** \*5113 Absences and excuses  
\*5114 Suspension and expulsion  
5119 Transfers  
\*5131 Conduct/discipline  
\*5131.7 Weapons and dangerous instruments  
\*5134 Married/pregnant students  
\*6142.2 English as a second language; bilingual programs  
\*6142.12 Career education  
\*6164.2 Guidance services  
\*6164.4 Child study team  
\*6171.4 Special education  
\*6173 Home instruction

**Policy**

HOME INSTRUCTION

To provide uninterrupted education for students unable to attend their regular classes because of illness, disability court order or administrative action, the board of education shall provide away-from-school instruction, when proper application has been made and subject to the following restrictions:

- A. The period of absence must be expected to be longer than two weeks except in special circumstances;
- B. A parent/guardian or appropriate adult authority must be within call during the period of instruction; and
- C. In cases of illness or disability, medical certification is required both of the necessity for the student's absence and his/her fitness to benefit from the instruction.

Each case must be approved by board action; all requirements for receipt of state aid must be fulfilled. Home instruction shall be available to all qualifying students regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, English proficiency, housing status or socioeconomic status.

Temporary or Chronic Health Condition

The board shall provide instructional services to an enrolled student when the student is confined to the home or another out-of-school setting due to a temporary or chronic health condition or a need for treatment that precludes participation in their usual education setting, whether general education or special education.

The parent/guardian shall submit a request for home instruction in writing. The request shall include a written determination from the student's physician documenting the projected need for confinement at the student's residence or other treatment setting for more than 10 consecutive school days or 20 cumulative school days during the school year.

The principal or his or her designee shall forward the request with the written determination to the school physician, who shall verify the need for home instruction. The school physician may contact the student's physician to secure additional information concerning the student's diagnosis or need for treatment, and shall either verify the need for home instruction or shall provide the board with the reasons for denial. The parent/guardian shall be notified concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the student's physician.

The district shall provide instructional services within five school days after receipt of the school

HOME INSTRUCTION (continued)

physician's verification or, if verification is made prior to the student's confinement, during the first week of the student's confinement to the home or out-of-school setting. Instructional services shall at a minimum include:

- A. A written plan for delivery of instruction shall be established to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress;
- B. Teachers providing home instruction shall be a certified teacher;
- C. The teacher shall provide one-on-one instruction for the number of days and length of time sufficient to continue the student's academic progress and dependent upon the student's ability to participate;
- D. For a student with disabilities, the home instruction shall be consistent with the student's individualized education plan (IEP) to the extent appropriate and shall meet the New Jersey Student Learning Standards. When the provision of home instruction will exceed 30 consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the student's IEP;
- E. For a student without disability, the home instruction shall meet the New Jersey Student Learning Standards, and the requirements of the board for promotion to the next grade level. When the provision of home instruction will exceed 60 calendar days, the school physician shall refer the student to the child study team for evaluation;
- F. The district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, through online services, including any needed equipment, or through contract with another district board of education, educational services commission, jointure commission, or approved clinic or agency. Students who are eligible to receive home instruction as needed at the district's expense are as follows:
  1. A student who resides within the area served by the board and is enrolled in a public school program; or
  2. A student who is enrolled in a nonpublic school that is located within the area served by board.

Reasons Other Than a Temporary or Chronic Health Condition

- A. The district shall provide home or out-of-school instruction for a general education student for reasons other than a temporary or chronic health condition no later than five school days after the student has left the general education program when:
  1. The student is mandated by State law and rule for placement in an alternative education program for firearms offenses and/or assault with weapons offenses but placement is not immediately available;
  2. The student is placed on short-term or long-term suspension;

HOME INSTRUCTION (continued)

3. A court order requires that the student receive instructional services in the home or other out-of-school setting.

The district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, or through online services, including any needed equipment, or through contract with another board of education, educational services commission, jointure commission, or approved clinic or agency for resident students.

- B. The home or out-of-school instructional services for reasons other than a temporary or chronic health condition shall meet the minimum standards that are specified in N.J.A.C. 6A:16-10.2(d) including but not limited to:
  1. The district shall establish a written plan for delivery of instruction and maintain a record of instructional services and student progress;
  2. The teacher providing instruction shall be a certified teacher;
  3. The teacher shall provide one-on-one instruction for no fewer than 10 hours per week on three separate days of the week and no fewer than 10 hours per week of additional guided-learning experiences that may include the use of technology to provide audio and visual connections to the student's classroom;
  4. The instruction shall meet New Jersey Student Learning Standards and the board's requirements for promotion and graduation;
  5. If instruction is delivered in the student's home, a parent or other adult 21 years of age or older who has been designated by the parent shall be present during all periods of home instruction.

Any student receiving home instruction is not considered absent.

Date:	November 13, 1986
Revised:	June 25, 2009
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Revised:	March 19, 2015
First Reading:	February 26, 2015
Second Reading:	March 19, 2015
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<b>Readopted:</b>	June 13, 2019

<b>Legal References:</b>	<u>N.J.A.C. 6A:7-1.7</u>	Equity in school and classroom practices
	<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special education
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:14-4.8, 4.9</u>	
	<u>N.J.A.C. 6A:16-4.3</u>	Reporting, notification and examination procedures for students suspected of being under the influence of alcohol or other drugs
	<u>N.J.A.C. 6A:16-5.5</u>	Removal of students from general education for firearms

HOME INSTRUCTION (continued)

N.J.A.C. 6A:16-5.6 offenses  
 Removal of students from general education for assaults  
 with weapons offenses  
N.J.A.C. 6A:16-10.1 et seq. Home or out-of-school instruction  
N.J.A.C. 8:61-1.1 Attendance at school by students or adults infected by  
 Human Immunodeficiency Virus (HIV)

H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

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

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7 State in re G.S. 330 N.J. Super. 338 (Ch. Div. 2000)

The Comprehensive Equity Plan, New Jersey Department of Education

**Possible****Cross References:**

\*4112.2 Certification  
 \*5113 Absences and excuses  
 \*5114 Suspension and expulsion  
 \*5131 Conduct/discipline  
 \*5131.6 Drugs, alcohol, tobacco (substance abuse)  
 \*5131.7 Weapons and dangerous instruments  
 \*5134 Married/pregnant students  
 \*5141.2 Illness  
 \*6146 Graduation requirements  
 \*6164.2 Guidance services  
 \*6164.4 Child study team  
 \*6171.4 Special education  
 \*6172 Alternative educational programs

REMOTE LEARNING

In response to State directives regarding reopening school with adequate precautions to prevent the spread of this contagious disease, the board shall provide in-person, fully virtual and hybrid learning opportunities for all students. The board of education shall support a program of in-person, fully virtual and hybrid learning that:

- A. Prioritizes the health, safety, and wellness of students and staff;
- B. Maintains the continuity of learning through synchronous live instruction;
- C. Facilitates equity and ease of access to communications and resources;
- D. Flexibly accommodates the needs and varying circumstances of all learners;
- E. Incorporates educators, students, parents/guardians, board members and other community members into the entire analysis and planning cycle.

The virtual learning program may consist of synchronous and asynchronous tools. Synchronous tools provide ways of accessing and providing information that require interaction with others to occur at the same time (i.e., online classrooms, interactive webinars, video conferencing). Asynchronous tools provide ways of accessing and providing information that does not require interaction with others to occur at the same time (i.e., forums, blogs, email, website links, etc.).

The length of the school day for in-person, fully virtual and hybrid learning programs shall be in accordance with N.J.A.C. 6A:32-8.3, stating that a school day shall consist of not less than four hours, inclusive of preschool and kindergarten. District policy 5113 Attendance, Absences and Excuses shall apply and attendance shall be recorded in all educational programs. The attendance and instructional contact time shall accommodate opportunities for both synchronous and asynchronous instruction and ensure that the requirements for a 180-day school year are met.

Additional Anticipated Minimum Standard

The New Jersey Department of Education (NJDOE) Anticipated Minimum Standard provides that, in addition to the methods and considerations explicitly referenced in the NJDOE guidance, *The Road Back: Restart and Recovery Plan for Education*, for scheduling students for in-person, remote, or hybrid learning, families/guardians may submit, and the district shall accommodate, requests for full time remote learning. Such requests may include any service or combination of services that would otherwise be delivered on an in-person or hybrid schedule, such as instruction, behavioral and support services, special education and related services. A family/guardian may request that some services be delivered entirely remotely, while other services follow the same schedule they otherwise would according to the district's reopening plan.

REMOTE LEARNING (continued)

## A. Unconditional Eligibility for Full-Time Remote Learning

All students shall be eligible for full-time remote learning. Eligibility shall not be conditioned on a family/guardian demonstrating a risk of illness or other selective criteria. This includes students with disabilities who attend school in-district or are placed at receiving schools (county special services school districts, educational services commissions, jointure commissions, Katzenbach School for the Deaf, regional day schools, college operated programs, and approved private schools for students with disabilities).

## B. Procedures for Submitting Full-Time Remote Learning Requests

Recognizing that planning is required in order to provide continuity in the student's educational program and arranging the appropriate staff and resources, a family/guardian shall submit a request for full-time remote learning, including requests to begin the school year receiving full-time remote learning and requests to transition from in-person or hybrid services to full-time remote learning during the school year. Procedures for submitting the request are as follows:

1. The request shall be submitted to the principal at least 14 calendar days before the start of the marking period;
2. Requests shall be approved 3 school days after the receipt of the request;
3. Questions and concerns may be directed to the principal or his or her designee;
4. The family/guardian shall submit the following information or documentation with their request. The documentation shall not exclude any students from the school's full-time remote learning option, but rather be limited to the minimum information needed to ensure proper recordkeeping and implementation of successful remote learning:
  - a. Verification of the district issued device is functioning properly to receive remote instruction
  - b. Verification of internet access and/or Wi-Fi sufficient to receive remote instruction;

Families/guardians having limited access the internet shall inform the principal or his or her designee. The district shall make a reasonable effort to support the remote instruction by facilitating services.

5. For students with disabilities, an IEP meeting or an amendment to a student's IEP will not be needed for full-time remote learning.
6. Families/guardians shall submit a request according to the procedures above for transitioning their student from in-person or hybrid delivery to full-time remote delivery.
7. Families/guardians are expected to cooperate in setting up the transition and may be required to participate in scheduled meetings (in-person or video or tele conferences) during the transition period;
8. School teachers, administrators and other school staff shall endeavor to provide supports and resources to assist families/guardians, particularly those of younger students, with meeting the expectations of the district's remote learning option.

REMOTE LEARNING (continued)

Upon satisfaction of these minimum procedures, the district shall approve the student's full-time remote learning request.

### C. Scope and Expectations of Full-Time Remote Learning

A student participating in the board's full-time remote learning option shall be afforded the same quality and scope of instruction and other educational services as any other student otherwise participating in district programs (e.g. students participating in a hybrid model). This includes but is not limited to:

1. Access to standards-based instruction of the same quality and rigor as that afforded all other students of the district;
2. The district shall make its best effort to ensure that every student participating in remote learning has access to the requisite educational technology;
3. Special education services and related services shall be provided to the greatest extent possible.

### D. Procedures to Transition from Full-Time Remote Learning to the In-Person Educational Program

A student shall be eligible to transition to the in-person educational program. This will allow families/guardians to make the arrangements needed to effectively serve students' home learning needs and will support educators in ensuring continuity of instruction. The family/guardian shall submit a request to transition from full-time remote learning to the in-person educational program according to the following procedures:

1. The request shall be submitted to the principal at least 14 calendar days before the start of the marking period in order to begin in-person instruction of the first day of that marking period.
2. Requests shall be approved 3 school days after the receipt of the request;
3. Questions and concerns may be directed to the principal or his or her designee;
4. The family/guardian shall submit the following information or documentation with their request. The documentation shall not exclude any students from the school's in-person educational program, but rather be limited to the minimum information needed to ensure proper recordkeeping and implementation of a successful transition to the in-person education program:
  - a. Summary of synchronous and asynchronous learning opportunities successfully completed;
  - b. Summary of synchronous and asynchronous learning opportunities still working through;
  - c. The student shall submit to the COVID screening process upon reentry to the school.
5. Students transitioning to the in-person educational program may be required to submit to an academic assessment prior to being placed in a class. Remediations shall be provided for students that need them;
6. Families/guardians are expected to cooperate in setting up the transition and may be required to participate in scheduled meetings (in-person or video or teleconferences) during the transition period.

REMOTE LEARNING (continued)

## E. Procedures for Communicating District Policy with Families

Teaching staff members and administrators shall provide clear and frequent communication with families/guardians, in their home language, and shall ensure that communication opportunities are as readily accessible as possible. Communication shall include but shall not be limited to, information regarding:

1. Summaries of, and opportunities to review, the district's full-time remote learning policy and attendance policy;
2. Procedures for submitting full-time remote learning requests;
3. Scope and expectations of full-time remote learning;
4. Procedures for transition from full-time remote learning to in-person services and vice-versa;
5. The district's procedures for ongoing communication with families and for addressing families' questions or concerns;
6. Teaching staff members who are teaching remote classes shall have office hours to address questions and concerns. Teachers shall notify the families/guardians of their students regarding the time of the office hours and the method of contact (email, text, video or teleconference).

## F. Reporting

To evaluate full-time remote learning, and to continue providing meaningful guidance for districts, the New Jersey Department of Education (NJDOE) may require districts to report to the NJDOE data regarding participation in full-time remote learning. Data will include the number of students participating in full-time remote learning by each of the following subgroups: economically disadvantaged; major racial and ethnic groups; students with disabilities; and English learners. The chief school administrator shall ensure that such reports are completed efficiently.

Adopted: **September 17, 2020**  
 First Reading: August 20, 2020  
 Second Reading: September 17, 2020

**Legal References:** N.J.S.A. 18A:6-3 Courses in constitution of United States  
N.J.S.A. 18A:33-1 District to furnish suitable facilities; adoption of courses of study  
N.J.S.A. 18A:35-1 et seq. Curriculum and courses  
N.J.S.A. 18A:35-4.6 through -4.8 Parents Right to Conscience Act of 1979  
N.J.A.C. 6A:8-3.1 Curriculum and instruction  
N.J.A.C. 6A:8-5.1 Graduation requirements  
N.J.A.C. 6A:9B-3.1 et. seq. State Board of Examiners and certification  
 See particularly:  
N.J.A.C. 6A:9B-5, -6, -8, -9, -10, -11, -12, -14  
N.J.A.C. 6A:14-3.7 Individualized education program

REMOTE LEARNING (continued)

<u>N.J.A.C.</u> 6A:14-4.1	General requirements
<u>N.J.A.C.</u> 6A:23A-9.5	Commissioner to ensure achievement of the New Jersey Student Learning Standards
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-8 <u>et seq.</u>	Student attendance and accounting

New Jersey Department of Education: *Clarifying Expectations Regarding Full Time Remote Learning Options for Families in 2020-2021* (Supplementary to *The Road Back: Restart and Recovery Plan for Education*); July 24, 2020. See:

<https://nj.gov/education/reopening/updates/docs/7.24.20%20RtR%20Fulltime%20Remote%2>

**Possible**

<b><u>Cross References:</u></b>	*2224	Nondiscrimination/affirmative action
	*6121	Nondiscrimination/affirmative action
	*6122	Articulation
	*6140	Curriculum adoption
	*6142.1	Family life education
	*6142.2	English as a second language; bilingual/bicultural
	*6142.4	Physical education and health
	*6142.6	Basic skills
	*6142.9	Arts
	*6142.12	Career education
	*6146	Graduation requirements
	*6147	Standards of proficiency
	*6164.2	Guidance services
	*6171.1	Remedial instruction
	*6171.2	Gifted and talented
	*6171.4	Special education
	*9130	Committees

EARLY CHILDHOOD EDUCATION/PRESCHOOL

The board of education believes that preschool educational experiences contribute to later academic success for all children. Therefore, within the limits of the budget and as required by law, the chief school administrator shall recommend to the board for approval programs designed for district children under the age required for regular admission. Programs shall address the needs of children who have been identified as requiring special education, as well as of those who have not been so identified.

The preschool curriculum shall consist of developmentally appropriate experiences that provide each child with individual opportunities to develop positive self-esteem, social/emotional growth, language skills, motor development and conceptual skill development.

All preschool programs sponsored by the board shall be consistent with the overall philosophy of the school district and aligned with the New Jersey Student Learning Standards. They shall be coordinated with other relevant district programs such as special education and Title I and articulated with the K-12 curriculum.

Proof of immunizations against communicable diseases and examinations shall be in accord with requirements for kindergarten and first grade admission (see policy file code 5111 *Admission*).

The board of education shall ensure that the preschool program:

- A. Maintains classroom enrollments of no more than 18 children with one certified teacher and one appropriately qualified assistant;
- B. Is developmentally appropriate to the age and skill level of the young child;
- C. Is designed to meet the New Jersey Preschool Teaching and Learning Standards of Quality, the New Jersey Preschool Program Implementation Guidelines and the New Jersey Student Learning Standards;
- D. Includes transition activities, programs, and services between preschool programs and kindergarten programs;
- E. Coordinates with all other relevant school district programs, for example, special education and bilingual education; and
- F. Includes an annual program evaluation.

The preschool programs and curricula shall be based on student needs, strengths and interests that focus on all aspects of development: cognitive, social, emotional and physical. Curriculum and assessment strategies and/or resources shall be developmentally appropriate and include

EARLY CHILDHOOD EDUCATION/PRESCHOOL (continued)

performance-based assessment measures.

The board shall ensure that instructional methods and/or strategies are congruent with the cognitive, social, emotional and physical skills of the young child. Instruction shall balance teacher-directed and child-initiated experiences.

The board shall provide professional development and training specific to preschool education for all early childhood education administrators, teachers and teacher assistants.

The preschool program may be offered within a mixed delivery system that includes in-district, private provider and local Head Start agency settings provided that the private provider and/or local Head Start agency program(s) with which the district board of education contracts comply with the school district's program requirements, including the employment of appropriately licensed and qualified teaching staff.

The preschool program shall include parent education activities in the preschool program with specific strategies identified that assist parents in remaining actively involved in their child's education throughout their school years.

Community health and social service agencies shall be included in the planning, operations and, if appropriate, the fiscal support of the preschool program.

The board shall designate an administrator to oversee the preschool program. He/she shall ensure adherence to all applicable laws and regulations in pursuing funding at the federal and state levels, as well as from private sources.

Date:	June 25, 2009
First Reading:	June 11, 2009
Second Reading:	June 25, 2009
Revised:	June 30, 2011
First Reading:	June 9, 2011
Second Reading:	June 30, 2011
NJSBA Review/Update:	December 2018
<b>Readopted:</b>	June 13, 2019

<b>Legal References:</b>	<u>N.J.S.A.</u> 18A:7F-54	Access to full day preschool; calculation of preschool education aid
	<u>N.J.S.A.</u> 18A:44-4	Funding of Preschool programs
	<u>N.J.A.C.</u> 6A:8-2.1	Authority for educational goals and standards
	<u>N.J.A.C.</u> 6A:8-3.4	Requirements for early childhood education programs
	<u>N.J.A.C.</u> 6A:9B-6.1	Standard certificate
	<u>N.J.A.C.</u> 6A:9B-8.1	Requirements for certificates of eligibility
	<u>N.J.A.C.</u> 6A:9B-9.2	Endorsements and authorizations
	<u>N.J.A.C.</u> 6A:13A-1.1 <i>et seq.</i>	Elements of high quality preschool programs
	<u>N.J.A.C.</u> 6A:23A-8.7	Tuition rate adjustment by districts receiving preschool expansion aid or educational opportunity aid

EARLY CHILDHOOD EDUCATION/PRESCHOOL (continued)

<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C. 6A:26-6.4</u>	Educational facility planning standards for school facilities housing preschool students
<u>N.J.A.C. 6A:32-8.3</u>	School attendance

**Possible**

<b><u>Cross References:</u></b>	*1410	Local units
	*1600	Relations between other entities and the district
	*3220/3230	State funds/federal funds
	*3541.1	Transportation routes and services
	*5020	Role of parents/guardians
	*5111	Admission
	*5141.3	Health examinations and immunizations
	*6010	Goals and objectives
	*6122	Articulation
	*6141	Curriculum design/development
	*6151	Class size
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	*7110	Long-range facilities planning

**Policy**

ADULT/COMMUNITY EDUCATION

The board will establish and maintain a program of adult education and may utilize any of its school facilities for accomplishing the legitimate educational purposes of serving the vocational, avocational, cultural, and aesthetic interests of the community.

The board will also maintain a program of instruction in English language and in government and laws for the benefit of foreign-born residents of the district.

In order to support a program of adult education and education for the foreign born, the board may employ staff, use school facilities as required, and provide necessary custodial services. All professional staff members so employed shall possess valid New Jersey teaching certificates.

The chief school administrator is directed to seek out and utilize such federal, state, and private sources of revenue as may be appropriate for the financial support of the adult education program.

Adult High School

The board will establish an adult evening high school for district residents 16 years of age or over and no longer enrolled in the school. The board shall adopt graduation requirements equivalent to those of the day school that shall include passing statewide assessment tests.

Requests from emancipated minors to participate in the program shall be accompanied by a certificate of consent to participate signed by a judge appointed in the State of New Jersey.

Requests from persons 16 or 17 years of age domiciled in a natural or foster home to participate in the adult high school program shall be accompanied by a certificate of consent to participate signed by a parent, guardian, probation or parole officer, State rehabilitation counselor, or a judge.

Requests from persons 16 or 17 years of age who are domiciled in a State, county, or municipal institution, or in a residential program, to participate in the adult high school program shall be accompanied by a certificate of consent to participate signed by either a parent or guardian, or a surrogate parent when neither is available.

The board shall ensure that the rights of a youth are protected through the provision of a surrogate parent who shall assume all parental rights, when either:

- A. The parent(s) cannot be located after reasonable efforts; or
- B. The youth is a ward of the State of New Jersey.

The chief school administrator or his or her designee shall establish a method for selecting and

ADULT/COMMUNITY EDUCATION (continued)

training surrogate parents. The person serving as surrogate shall be no interest that conflicts with the youth he or she represents and shall have the knowledge and skills to ensure adequate representation of the youth.

English language learner (ELL) students may satisfy a special review assessment in lieu of passing the New Jersey Department of Education approved high school proficiency assessment. All courses shall be adopted by the board and shall include standards of proficiency.

The board shall annually adopt at a public meeting policies that provide for the awarding of credit for the adult high school program.

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**Legal References:** N.J.S.A. 18A:7C-8      Adult high school programs; diplomas  
N.J.S.A. 18A:7F-47      Total stabilization aid per district, limit on increase  
N.J.S.A. 18A:7F-58      Adjustment aid; educational adequacy aid  
N.J.S.A. 18A:48-1 et seq.      Public Evening Schools  
N.J.S.A. 18A:50-1 et seq.      Adult Education  
N.J.A.C. 6A:8-1.1 et seq.      Standards and Assessment  
See particularly:  
N.J.A.C. 6A:8-5.1(a)5  
and 6  
N.J.A.C. 6A:20-1.1 et seq.      Adult Education Programs  
See particularly:  
N.J.A.C. 6A:20-1.3, -2.4, -2.5  
N.J.A.C. 6A:30-1.1 et seq.      Evaluation of the Performance of School Districts

20 U.S.C.A. §§ 9201 et seq. The Adult Education and Family Literacy Act of 1998.

**Possible**

**Cross References:** 3240      Tuition income  
\*3250      Income from fees, fines, charges  
\*4112.2      Certification  
4141      Salary guides  
\*5111      Admission  
\*5124      Reporting to parents/guardians  
\*5127      Commencement activities  
\*5131      Conduct/discipline

ADULT/COMMUNITY EDUCATION (continued)

*6142	Subject fields
6174	Summer school

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The Elizabeth Board of Education directs the chief school administrator to develop and implement a systematic short-range and long-range plan for the continuing assessment of the progress of the educational program toward the goals established by the district. To this end, he/she shall recommend tests and methods indicated by his/her best professional judgment.

The board reserves the right to review each test and to approve those that serve a legitimate purpose without infringing upon the personal rights of the students or their parents/guardians. The results of any evaluation may be released by the chief school administrator using districtwide data. Parents/guardians may obtain an explanation of the results of their child's test from qualified school personnel.

The chief school administrator shall annually recommend improvements in the program and staff based upon the evaluation of the district's program. He/she will ensure that all required data is submitted to the Commissioner for inclusion in the school report card.

The board will cooperate with the Commissioner in the conduct of such state-wide assessment programs as are required by the State Board of Education and shall use the data gained thereby toward the improvement of the schools of this district.

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**Legal References:** N.J.S.A. 18A:7A-10 Evaluation of performance of each school  
N.J.S.A. 18A:7E-2  
through -5 School report card program  
N.J.A.C. 6A:7-1.4 Responsibilities of the district board of education  
N.J.A.C. 6A:8-1.1 et seq. Standards and Assessment  
N.J.A.C. 6A:14-4.1(i) General requirements  
N.J.A.C. 6A:23A-9.5 Commissioner to ensure achievement of the New Jersey  
Student Learning Standards  
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts  
  
Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

**Possible**

**Cross References:** \*1000/1010 Concepts and roles in community relations; goals and objectives

EVALUATION OF THE INSTRUCTIONAL PROGRAM (continued)

- \*1120 Board of education meetings
- \*5120 Assessment of individual needs
- \*5145.4 Equal educational opportunity
- 6000 Concepts and roles in instruction
- \*6010 Goals and objectives
- 6011 Thorough and efficient/QEA
- \*6141 Curriculum design/development
- \*6147 Standards of proficiency
- \*6171.4 Special education