

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 1 of 21

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

#### A. Definitions - N.J.A.C. 6A:22-1.2

1. “Affidavit student” means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C. 6A:22-3.2(a).
2. “Appeal” means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. “Applicant” means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.
4. “Commissioner” means the Commissioner of Education or their designee.
5. “Guardian” means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian’s school district unless it can be proven that the child does not actually live with the custodian. “Guardian” also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.e.

#### B. Students Domiciled in the District – N.J.A.C. 6A:22-3.1

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:
  - a. A student is domiciled in the school district when the student is the child of a parent or guardian whose domicile is located within the school district.
    - (1) When a student’s parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student’s domicile is the school district of the parent or guardian with whom the student lives for the majority of

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 2 of 21

the school year. N.J.A.C. 6A:22-3.1(a)1. and B.1.a. above shall apply regardless of which parent has legal custody.

- (2) When a student's physical custody is shared on an equal-time, alternating week/month, or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
  - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.
  - (b) When the domicile of a student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.
- (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22, Policy 5111, and this Regulation.
- (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 3 of 21

parent or guardian domiciled within the school district or otherwise required by law.

- b. A student is domiciled in the school district when the student has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
  - c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month “waiting period” of State residency required pursuant to N.J.S.A. 2A:34-54 (“home state” definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
  - d. A student is domiciled in the school district when the student’s parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
  - e. A student is domiciled in the school district if the Department of Children and Families is acting as the student’s guardian and has placed the student in the school district.
2. When a student’s dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling’s physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling’s or unit’s property tax is paid.
- a. When property tax is paid in equal amounts to two or more municipalities and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs of eligibility provided pursuant to N.J.A.C. 6A:22-3.4 and E. below.
  - b. N.J.A.C. 6A:22-3.1(b) and B.2. above shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 4 of 21

3. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b. or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.
4. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

### C. Other Students Eligible to Attend School – N.J.A.C. 6A:22-3.2

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b. if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were their own child.
  - a. A student is not eligible to attend this school district pursuant to N.J.A.C. 6A:22-3.2(a) and C.1. above unless:
    - (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that the parent or guardian is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 5 of 21

- (2) The person keeping the student has filed, if so required by the Board of Education:
      - (a) A sworn statement that the person is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and
      - (b) A copy of their lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.
  - b. A student shall not be deemed ineligible under N.J.A.C. 6A:22-3.2 because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
  - c. A student shall not be deemed ineligible under N.J.A.C. 6A:22-3.2 when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.
  - d. A student shall not be deemed ineligible under N.J.A.C. 6A:22-3.2 solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.
  - e. Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of their child to a person in another school district commits a disorderly persons offense.
2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 6 of 21

education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b. if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency.

- a. Eligibility under N.J.A.C. 6A:22-3.2(b) and C.2. above shall cease at the end of the school year during which the parent or guardian returns from active military duty.
3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.d. if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.
  - a. When required by the Board, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;
  - b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1.i. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board, the temporary residence is not solely for purposes of a student's attending the school district.
4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f. if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2 - Education of Homeless Children.
5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 7 of 21

18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2.

As used in this section, “court order” shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.

6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b. if the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district. A school district admitting a student pursuant to N.J.S.A. 18A:38-3.b. shall not be obligated for transportation costs.
7. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend the school district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the student resides on Federal property within the State.
8. In accordance with N.J.S.A. 18A:38-1.1, a student who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district during the academic year as a result of a family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A student attending an academic program during the summer, who is otherwise eligible except for the timing of the move, shall be permitted to remain in the school district for the remainder of the summer program if it is considered an extension of the preceding academic year.
  - a. For purpose of N.J.A.C. 6A:22-3.2(h), Policy 5111, and this Regulation, “family crisis” shall include, but not be limited to:
    - (1) An instance of abuse such as domestic violence or sexual abuse;
    - (2) A disruption to the family unit caused by death of a parent or guardian; or

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 8 of 21

- (3) An unplanned displacement from the original residence such as fire, flood, hurricane, or other circumstances that render the residence uninhabitable.
- b. Upon notification of the move by the parent or guardian, the original school district of residence shall allow the student to continue attendance and shall provide transportation services to and from the student's new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request from the parent or guardian and may review supporting documentation about the reason(s) for the move; however, any such review shall not interrupt the student's continued enrollment in the school district and in the current school of attendance with the provision of transportation.
  - (1) Examples of documentation include, but are not limited to, newspaper articles, insurance claims, police or fire reports, notes from health professionals, custody agreements, or any other legal document.
- c. If the parent or guardian or the relevant documentation indicates the child is homeless pursuant to N.J.S.A. 18A:7B-12, the school district liaison shall assume the coordination of enrollment procedures pursuant to N.J.A.C. 6A:17-2.5 and the student shall not be eligible for enrollment under N.J.S.A. 18A:38-1.1.
- d. If the original school district of residence determines the situation does not meet the family crisis criteria outlined in C.8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of their right to appeal the decision within twenty-one calendar days of the parent's or guardian's receipt of the notification, and shall state that if such appeal is denied, the parent or guardian may be assessed the costs for transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one day appeal period in the absence of an appeal.
  - (1) The parent or guardian may appeal by submitting the request in writing with supporting documentation to the Executive County Superintendent of the county in which the original school district of residence is situated.



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 9 of 21

- (2) Within thirty calendar days of receiving the request and documentation, the Executive County Superintendent shall issue a determination whether the situation meets the family crisis criteria at C.8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.
  - (3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.
- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.
  - (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria at C.8.a. above.
  - (2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued, and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.
- f. In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means available and in conformance with all laws governing student transportation.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 10 of 21

- g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.
  - (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.
  - (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the New Jersey Department of Education's Office of School Facilities and Finance for reimbursement payment(s) to the school district.
  - (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).
- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, their decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.

### D. Housing and Immigration Status – N.J.A.C. 6A:22-3.3

- 1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or their compliance with local housing ordinances or terms of lease.
- 2. Except as set forth in D.2.a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 11 of 21

3.2 and C. above shall be enrolled without regard to, or inquiry concerning, immigration status.

- a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1" Visa).

### 3. F-1 Visa Students

The school district is not required to, but may permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. A F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with documentation as determined by the Superintendent or designee. A student with a F-1 Visa must be approved by the Board for attendance in the school district. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.

### 4. J-1 Visa Students

The school district is not required to, but may permit the attendance of J-1 Visa students into the school district. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the school district and shall not pay tuition. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.

### E. Proof of Eligibility – N.J.A.C. 6A:22-3.4

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 12 of 21

1. The Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:
  - a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
  - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;
  - c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
  - d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;
  - e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
  - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an affidavit student, adult student, person(s) with whom a family is living, or others, as appropriate;
  - g. Documents pertaining to military status and assignment; and
  - h. Any other business record or document issued by a governmental entity.
2. The Board may accept forms of documentation not listed in N.J.A.C. 6A:22-3.4(a) and E.1. above, and shall not exclude from consideration any documentation or information presented by an applicant.
3. The Board shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 13 of 21

4. The Board shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:
    - a. Income tax returns;
    - b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b) and D.2. above;
    - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
    - d. Social security numbers.
  5. The Board may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) and E.4. above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.
  6. In the case of a dispute between the school district and the parents of a student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.
- F. Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1
1. The Board of Education shall use Commissioner-provided registration forms pursuant to N.J.A.C. 6A:22-4.1(a), or locally developed forms that:
    - a. Are consistent with the Commissioner-provided forms;

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 14 of 21

- b. Do not seek information prohibited by N.J.A.C. 6A:22-4 or any other provision of statute or rule;
  - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;
  - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
  - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.
- 2. The Board shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
  - a. If the school district uses separate forms for affidavit student applications rather than a single application form for all types of enrollment, affidavit student forms shall comply in all respects with N.J.A.C. 6A:22-4.1(a) and G.1. above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom they are not the parent or guardian, even if not specifically requested.
    - (1) The Board or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.
    - (2) The Board or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.
  - b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 15 of 21

3. Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.
  - a. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2 and G. below.
  - b. When a student appears ineligible based on information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and intent to appeal to the Commissioner.
    - (1) An applicant whose student is enrolled pursuant to N.J.A.C. 6A:22-4.1(c)2.i. and F.3.b. above shall be notified that the student will be removed without a hearing before the Board if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.
4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of the applicant's written statement that the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for purposes of ensuring compliance with compulsory education laws, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 16 of 21

5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.
6. The Board shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student's birth certificate or other proof of their identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.
8. Enrollment in the school district shall not be denied based upon the absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.
9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

### G. Notices of Ineligibility – N.J.A.C. 6A:22-4.2

1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22, Policy 5111, and this Regulation or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4.2 and F. above and H. below.
  - a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 17 of 21

- a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made:
  - (1) The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and
  - (2) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.
- b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained under the applicable provision of N.J.S.A. 18A:38-1;
- c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the notice date, along with an informational document provided by the Commissioner describing how to file an appeal;
- d. A clear statement of the student's right to attend school for the twenty-one day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;
- e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;
- f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, J.2. and J.3. below, that an applicant may be assessed for the

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 18 of 21

year at issue if the applicant does not prevail on appeal, or elects not to appeal:

(1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.

- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
- i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.

### H. Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

- 1. Nothing in N.J.A.C. 6A:22-4, Policy 5111, and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
- 2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for the student's removal.
  - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2 and G. above. However,

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 19 of 21

the notice shall also provide for a hearing before the Board prior to a final decision on removal.

3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an affidavit student, has been informed of their entitlement to a hearing before the Board.
4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an affidavit student, does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2 and G. above.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

### I. Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.
  - a. Pursuant to N.J.S.A. 18A:38-1.b.(1), appeals of affidavit student ineligibility determinations shall be filed by the resident keeping the student.

### J. Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6

1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an affidavit student following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 20 of 21

- a. If the responsible party does not pay the tuition assessment, the Board may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.
2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an affidavit student and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student's ineligible attendance in a school district prior to the appeal's filing and including the twenty-one day period to file an appeal.
  - a. Upon the Commissioner's finding that an appeal has been abandoned, the Board may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) and J.1. above plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of their decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board of Education has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.
  - b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page **21** of **21**

4. Nothing in N.J.A.C. 6A:22, Policy 5111, and this Regulation shall preclude an equitable determination by the Board or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

Adopted: December 12, 2023

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 11 of 22

original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.

- (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.
- (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the Department's Office of School Facilities and Finance for reimbursement payment(s) to the school district.
- (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).

- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.
- i. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, his or her decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.

#### D. Housing and Immigration Status

1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.
2. Except as set forth in a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 1 of 22

#### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

## M

### A. Definitions

1. “Affidavit student” means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C. 6A:22-3.2(a).
2. “Appeal” means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. “Applicant” means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.
4. “Commissioner” means the Commissioner of Education or his/her designee.
5. “Guardian” means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian’s school district unless it can be proven that the child does not actually live with the custodian. “Guardian” also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.e.

### B. Eligibility to Attend School – Students Domiciled in the District

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:
  - a. A student is domiciled in the school district when he or she is living with a parent or guardian whose domicile is located within the school district.
    - (1) When a student’s parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 2 of 22

attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year. This provision shall apply regardless of which parent has legal custody.

- (2) When a student's physical custody is shared on an equal-time, alternating week/month or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.
  - (a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.
  - (b) When the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.
- (3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 3 of 22

student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22.

- (4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.
  - b. A student is domiciled in the school district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.
  - c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.
  - d. A student is domiciled in the school district when his or her parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
  - e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.
2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the dwelling's or unit's property tax is paid.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 4 of 22

- a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.
  - b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.
  - c. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.
3. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

#### C. Eligibility to Attend School – Other Students Eligible to Attend School

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 5 of 22

18A:38-1.b if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.

- a. A student is not eligible to attend this school district pursuant to this provision unless:
  - (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and
  - (2) The person keeping the student has filed, if so required by the Board of Education:
    - (a) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and
    - (b) A copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.
- b. A student shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).
- c. A student shall not be deemed ineligible under this provision when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 6 of 22

student's parent or guardian, but is acting as the sole caretaker and supporter of the student.

- d. A student shall not be deemed ineligible under this provision solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.
  - e. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another school district commits a disorderly persons offense.
2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency.
- a. Eligibility under this provision shall cease at the end of the school year during which the parent or guardian returns from active military duty.
3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 7 of 22

- a. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;
  - b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board of Education, the temporary residence is not solely for purposes of a student's attending the school district.
4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children.
5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2. As used in this section, "court order" shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.
6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b if the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district. A

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 8 of 22

school district admitting a student pursuant to N.J.S.A. 18A:38-3.b shall not be obligated for transportation costs.

7. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend the school district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the student resides on Federal property within the State.
8. In accordance with N.J.S.A. 18A:38-1.1, a student who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district during the academic year as a result of a family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A student attending an academic program during the summer, who is otherwise eligible except for the timing of the move, shall be permitted to remain in the school district for the remainder of the summer program if it is considered an extension of the preceding academic year.
  - a. For purposes of N.J.A.C. 6A:22-3.2(h) and Policy and Regulation 5111, “family crisis” shall include, but not be limited to:
    - (1) An instance of abuse such as domestic violence or sexual abuse;
    - (2) A disruption to the family unit caused by death of a parent or guardian; or
    - (3) An unplanned displacement from the original residence such as fire, flood, hurricane, or other circumstances that render the residence uninhabitable.
  - b. Upon notification of the move by the parent or guardian, the original school district of residence shall allow the student to continue attendance and shall provide transportation services to and from the student’s new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request from the parent or guardian and may review supporting documentation about the reason(s) for the move; however, any such review shall not interrupt the student’s continued

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 9 of 22

enrollment in the school district and in the current school of attendance with the provision of transportation.

- (1) Examples of documentation include, but are not limited to, newspaper articles, insurance claims, police or fire reports, notes from health professionals, custody agreements, or any other legal document.
- c. If the parent or guardian or the relevant documentation indicates the child is homeless pursuant to N.J.S.A. 18A:7B-12, the school district liaison shall assume the coordination of enrollment procedures pursuant to N.J.A.C. 6A:17-2.5 and the student shall not be eligible for enrollment under N.J.S.A. 18A:38-1.1.
- d. If the original school district of residence determines the situation does not meet the family crisis criteria outlined in 8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of his or her right to appeal the decision within twenty-one calendar days of his or her receipt of the notification, and shall state that if such appeal is denied, he or she may be assessed the costs for transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one day appeal period in the absence of an appeal.
  - (1) The parent or guardian may appeal by submitting the request in writing with supporting documentation to the Executive County Superintendent of the county in which the original school district of residence is situated.
  - (2) Within thirty calendar days of receiving the request and documentation, the Executive County Superintendent shall issue a determination whether the situation meets the family crisis criteria set forth at 8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 10 of 22

- (3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.
- e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.
  - (1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria set forth at 8.a. above.
  - (2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued, and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.
- f. In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means available and in conformance with all laws governing student transportation.
- g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 11 of 22

original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.

- (1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.
- (2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the Department's Office of School Facilities and Finance for reimbursement payment(s) to the school district.
- (3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).

- h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.
- i. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, his or her decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.

#### D. Housing and Immigration Status

1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.
2. Except as set forth in a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 12 of 22

N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status.

- a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1" Visa).

#### 3. F-1 Visa Students

##### [Option – Select One Option

\_\_\_\_\_ F-1 Visa students will not be admitted to this school district.

\_\_\_\_\_ The school district will permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. An F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year.]

- E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-3.2 shall be construed to limit the discretion of the Board to admit nonresident students, or the ability of a nonresident student to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3.a.

- F. Proof of Eligibility

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 13 of 22

1. The Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:
  - a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;
  - b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;
  - c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;
  - d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;
  - e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;
  - f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others, as appropriate;
  - g. Documents pertaining to military status and assignment; and
  - h. Any other business record or document issued by a governmental entity.
2. The Board of Education may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by an applicant.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 14 of 22

3. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.
4. The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:
  - a. Income tax returns;
  - b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);
  - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
  - d. Social security numbers.
5. The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in 4. above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.
6. In the case of a dispute between the school district and the parents or guardians of a student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district.

#### G. Registration Forms and Procedures for Initial Assessment

1. The Board of Education shall use Commissioner-provided registration forms, or locally developed forms that:

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 15 of 22

- a. Are consistent with the forms provided by the Commissioner;
  - b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;
  - c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;
  - d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and
  - e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.
2. The Board of Education shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.
  - a. If the school district uses separate forms for affidavit student applications rather than a single form for all types of enrollment, affidavit student forms shall comply in all respects with the provisions of G.1. above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom he or she is not the parent or guardian, even if not specifically requested.
    - (1) The Board of Education or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 16 of 22

- (2) The Board of Education or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.
    - b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.
3. Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.
  - a. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.
  - b. When a student appears ineligible based on information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and intent to appeal to the Commissioner.
    - (1) An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed without a hearing before the Board if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.
4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement that the student will be attending school in another school district or nonpublic school, or

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 17 of 22

receiving instruction elsewhere than at a school, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of “neglect” for purposes of ensuring compliance with compulsory education laws, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student’s name, the name(s) of the parent/guardian/resident, and the student’s address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.
6. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student’s birth certificate or other proof of his or her identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.
8. Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.
9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the student shall not be denied based upon the absence of a student’s prior educational record. However, the applicant shall be advised the student’s initial educational placement may be subject to revision upon the school district’s receipt of records or further assessment of the student.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 18 of 22

### H. Notice of Ineligibility

1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4 et seq.
  - a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.
2. Notices of ineligibility shall include:
  - a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made:
    - (1) The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and
    - (2) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.
  - b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained under the applicable provision of N.J.S.A. 18A:38-1;
  - c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the notice date, along with an informational document provided by the Commissioner describing how to file an appeal;
  - d. A clear statement of the student's right to attend school for the twenty-one day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 19 of 22

the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;

- e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;
- f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;
- g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:
  - (1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.
- h. The name of a contact person in the school district who can assist in explaining the notice's contents; and
- i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 20 of 22

student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.

#### I. Removal of Currently Enrolled Students

1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.
2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal.
  - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal.
3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," has been informed of his or her entitlement to a hearing before the Board of Education.
4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an "affidavit student," does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board of Education or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board of Education taken at a meeting duly

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 21 of 22

convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

### J. Appeal to the Commissioner

1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.
  - a. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of “affidavit student” ineligibility determinations shall be filed by the resident keeping the student.

### K. Assessment and Calculation of Tuition

1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student’s ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.
  - a. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.
2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an “affidavit” student and the petitioner does not sustain the burden of demonstrating the student’s right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student’s ineligible

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS (M)

Page 22 of 22

attendance in a school district prior to the appeal's filing and including the twenty-one day period to file an appeal.

- a. Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of his or her decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board of Education has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.
  - b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.
3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.
  4. Nothing in N.J.A.C. 6A:22 shall preclude an equitable determination by the Board of Education or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board of Education or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

Adopted: 26 February 2019

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 1 of 9

### R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

#### Definitions – N.J.A.C. 6A:17-1.2

1. “Best interest determination” means the school placement decision made by Division of Child Protection and Permanency (DCP&P) based on the factors considered, as set forth at N.J.S.A. 30:4C-26b.
2. “Career or technical education” or “CTE” means as defined in N.J.A.C. 6A:19-1.2.
3. “DCP&P” means the Division of Child Protection and Permanency, which is a division in the New Jersey Department of Children and Families (DCF) that is responsible for the placement of children in resource family care, pursuant to N.J.S.A. 30:4C-26b.
4. “Educational stability school district notification” means the notification provided by DCP&P to the school district, pursuant to N.J.S.A. 30:4C-26b.h.
5. “Enroll” or “enrollment” means attending classes and participating fully in school activities.
6. “Homeless child” means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12, N.J.A.C. 6A:17-2.2, and B. below.
7. “Immediate” or “immediately” means at the instant the need for placement is made known.
8. “Parent” means the natural or adoptive parent, legal guardian, resource family care parent, surrogate parent, or person acting in the place of a parent, such as the person with whom the child legally resides or a person legally responsible for the child’s welfare.
9. “Point of contact” means the employee identified in each school district who facilitates all activities needed to ensure enrollment and attendance of children in resource family care.
10. “Resource family care” means twenty-four-hour substitute care for children placed away from their parent(s) and for whom DCP&P has placement and care responsibility. The term is synonymous with “foster care” as defined in the Federal Elementary and Secondary Education Act (ESEA), as reauthorized by the

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 2 of 9

Every Student Succeeds Act (ESSA), and includes “resource family home” found elsewhere in the New Jersey Administrative Code and in the New Jersey Statutes Annotated.

11. “School district liaison for the education of homeless children and youths” means the person identified in each school district who facilitates all activities needed to ensure the enrollment and attendance of homeless children and youths.
12. “School district of residence” for a homeless child or youth means the school district in which the parent of a homeless child or youth resided prior to becoming homeless. It may not be the school district in which the student currently resides. This term is synonymous with “school district of origin” referenced in the McKinney-Vento Homeless Education Assistance Act. “School district of residence” for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides, pursuant to N.J.S.A. 18A:7B-12.b. In the case of a child placed in resource family care prior to September 9, 2010, in accordance with N.J.S.A. 18A:7B-12, the “school district of residence” means the school district in which the resource family care parent(s) resides. In the case of a child placed in resource family care on or after September 9, 2010, in accordance with N.J.S.A. 18A:7B-12, the “school district of resident” means the present school district of residence of the parent(s) with whom the child lived prior to the most recent placement in resource family care.
13. “School of origin” for a child in resource family care means the school district in which a child was enrolled prior to a change in the child’s care, custody, or guardianship. If a child’s resource family care placement changes, the school of origin would then be considered the school district in which the child is enrolled at the time of the placement change.
14. “State agency” means the New Jersey Department of Human Services, the New Jersey Department of Correction, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission.
15. “State facility” means residential and day programs operated by, contracted with, or specified by the New Jersey Department of Human Services, the New Jersey Department of Correction, the New Jersey Department of Children and Families, or the New Jersey Juvenile Justice Commission.
16. “Transitional living facility” means a temporary facility that provides housing to a child due to domestic violence, pursuant to N.J.S.A. 18A:7B-12.1.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 3 of 9

17. “Unaccompanied youth” means a youth not in the physical custody of a parent at the time of enrollment.

### B. Determination of Homelessness – N.J.A.C. 6A:17-2.2

1. The Board of Education for the school district of residence shall determine that a child or youth is homeless for the purposes of N.J.A.C. 6A:17-2, Policy 5116, and this Regulation when the child or youth resides in any of the following:
  - a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;
  - b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;
  - c. The residence of relatives or friends where the homeless child or youth resides out of necessity because their family lacks a regular or permanent residence of its own; or
  - d. Substandard housing.

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

1. The school district of residence for a homeless child or youth shall be responsible for the education of the child and shall:
  - a. Determine the school district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.5 and E. below;
  - b. Pay the cost of tuition pursuant to N.J.S.A. 18A:38-19, when the child attends school in another school district; and
  - c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 4 of 9

2. The determination of the homeless child's or youth's school district of residence shall be made by the Superintendent of the school district of residence or designee, pursuant to N.J.A.C. 6A:17-2.4 and D. below based upon information received from the parent, a shelter provider, another school district, or an involved agency.
  3. The school district identified in accordance with N.J.S.A. 18A:7B-12 as the school district of residence for a homeless child or youth shall be the school district of residence until the parent establishes a permanent residence. Financial responsibility will remain with the homeless child's school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.
- D. Designation of School District Liaisons and Their Responsibilities – N.J.A.C. 6A:17-2.4
1. The Superintendent identifies the Superintendent as the school district liaison for the education of homeless children or youths. The school district liaison shall:
    - a. Facilitate communication and cooperation between the school district of residence and the school district where the homeless child or youth resides;
    - b. Develop procedures to ensure a homeless child or youth residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5 and E. below;
    - c. Ensure homeless families, children, and youths receive educational services for which they are eligible, including Head Start programs, preschool programs administered by the Board, and referrals to health care, dental, mental health, and other appropriate services;
    - d. Inform parents of homeless children and youths of the educational and related opportunities available to their children and ensure that parents are provided with meaningful opportunities to participate in the education of their children;
    - e. Ensure that public notice of the educational rights of homeless children and youths is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 5 of 9

- f. Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7 and G. below;
    - g. Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5 and E. below;
    - h. Assist the parent to obtain the homeless child's or youth's medical records or required immunizations; and
    - i. Assist an unaccompanied youth to ensure the youth is enrolled in, and is receiving, all services pursuant to N.J.A.C. 6A:17, Policy 5116, and this Regulation.
  - 2. When a homeless child or youth resides in a school district, the school district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, a shelter director, or an involved agency.
  - 3. Upon notification of the need for enrollment of a homeless child or youth, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child, pursuant to N.J.A.C. 6A:17-2.5(b) and E.2. below.
- E. School District Enrollment – N.J.A.C. 6A:17-2.5
- 1. The Superintendent of the school district of residence or designee shall decide in which school district the homeless child or youth shall be enrolled as follows:
    - a. Enroll the homeless child or youth in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child's or youth's parent;
    - b. Continue the homeless child's or youth's education in the school district of last attendance if it is not the school district of residence; or
    - c. Enroll the homeless child in the school district where the child resides.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 6 of 9

2. The Superintendent of the school district of residence or designee shall decide the school district of enrollment of a homeless child or youth based on what is determined to be in the best interest of the child or youth after considering:
  - a. The enrollment of the homeless child or youth in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child's or youth's parent.
  - b. The continuity of the child's educational program;
  - c. The eligibility of the child for special instructional programs, including, but not limited to, bilingual, gifted and talented, special education, early childhood, and career and technical education programs; and
  - d. The distance, travel time, and safety factors in coordinating transportation services from the residence to the school.
3. The Superintendent of the school district of residence or designee shall determine the child's or youth's school district of enrollment immediately after consultation with the parent. The school district of residence shall adhere to the following procedures:
  - a. Enrollment decisions shall be made immediately upon notification of the need for enrollment. When the decision is made, the child or youth shall be enrolled immediately. If a dispute arises regarding enrollment of a homeless child or youth, the homeless child or youth shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7 and G. below.
  - b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall be documented in writing.
  - c. A decision to enroll a homeless child or youth in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.
4. When a decision is made to enroll the child or youth in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall forward to the new school district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32-7.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 7 of 9

5. When a homeless child or youth with a disability is enrolled in a school district other than the school district of residence, the school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education.
  6. When the school district of residence for a homeless child or youth cannot be determined, the Superintendent or designee of the school district in which the child or youth currently resides shall enroll the child or youth immediately in the school district of the current residence or the school district of last attendance.
  7. The school district selected pursuant to N.J.A.C. 6A:17-2, Policy 5116, and this Regulation shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.
  8. Enrollment in the school district of residence; enrollment in the school district of last attendance, if not the school district of residence; or enrollment in the school district where the child or youth resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child or youth becomes permanently housed during the academic year.
- F. Parental Rights – N.J.A.C. 6A:17-2.6
1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2, Policy 5116, and this Regulation.
- G. Disputes and Appeals – N.J.A.C. 6A:17-2.7
1. When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or designee(s) of the involved school district(s) or the child's or youth's parent(s) shall immediately notify the Executive County Superintendent. In consultation with the New Jersey Department of Education's (NJDOE) McKinney-Vento Homeless Education Coordinator or the Coordinator's designee, the Executive County Superintendent shall immediately decide the child's or youth's status. If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent's

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 8 of 9

determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

2. When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent. The Executive County Superintendent shall make a determination immediately, if possible, but no later than within forty-eight hours and, when necessary, in consultation with the NJDOE's Homeless Education Coordinator, or the Coordinator's designee.
  - a. If the dispute regarding determination of the school district of residence does not involve the determination of homelessness and/or school district of enrollment, the school district disputing the Executive County Superintendent's determination may appeal to the NJDOE pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of Finance.
  - b. If an appeal of a determination of the school district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.
3. Any dispute or appeal shall not delay the homeless child's or youth's immediate enrollment or continued enrollment in the school district. The homeless child or youth shall be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal.
4. Disputes and appeals involving the services provided to a homeless child or youth with a disability shall be made pursuant to N.J.A.C. 6A:14.

### H. Tuition – N.J.A.C. 6A:17-2.8

1. When the homeless child or youth is enrolled in a school district other than the school district of residence, the school district of residence shall pay to the school district of enrollment the tuition costs pursuant to N.J.S.A. 18A:38-19 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5116 EDUCATION OF HOMELESS CHILDREN AND YOUTHS

Page 9 of 9

residence or the school district in which the parent has been deemed domiciled shall pay tuition to the school district of enrollment.

2. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence or the school district in which the parent has been deemed domiciled shall list the student on its ASSA.
3. The State shall assume fiscal responsibility for the tuition of the child or youth pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child or youth is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d., under the following circumstances:
  - a. If the school district of residence cannot be determined for the homeless child or youth;
  - b. If the school district of residence is outside of the State; or
  - c. If a child or youth resides in a domestic violence shelter, homeless shelter, or transitional living facility located in a school district other than the school district of residence for more than a year during the placement pursuant to N.J.S.A. 18A:7B-12.d. and 12.1.
4. When the State assumes fiscal responsibility for the tuition of a homeless child or youth under the circumstances at N.J.A.C. 6A:17-2.8(c) and H.3. above, the State shall pay to the school district in which the child or youth is enrolled the weighted base per pupil amount calculated pursuant to N.J.S.A. 18A:7F-49 and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56.

Issued: December 12, 2023

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5130/page 1 of 2  
Withdrawal from School  
M

### R 5130 WITHDRAWAL FROM SCHOOL

Every pupil in this district shall be encouraged to complete the program of instruction in which he/she is enrolled, in cooperation with school staff members. Although the enrollment and attendance of persons over the age of sixteen cannot be compelled by law, school personnel shall make every reasonable effort to determine whether the school is meeting the educational needs of a pupil who requests withdrawal.

#### A. Request for Permanent Withdrawal

1. The pupil must obtain a withdrawal form from the Main office to be taken home for the signature of his/her parent(s) or legal guardian(s).
2. The pupil must meet with the Principal to discuss the reasons for the requested withdrawal.
3. The Principal will review the pupil's file to determine whether the pupil has received the educational services to which he/she is entitled.
4. The pupil will be offered an exit conference with the Principal, at which the pupil will be informed of:
  - a. The desirability of continuing education at some future time toward the award of a high school diploma through an Adult High School Program,
  - b. The possibility of readmission until the pupil is twenty years of age (or, if the pupil is disabled, until the end of the school year in which his/her twenty-first birthday occurs),
  - c. The possibility of further education in the Armed Forces of the United States and the application of such training toward a high school diploma pursuant to N.J.A.C. 6:27-4.1, and
  - d. The continuing availability of high school counseling services.
5. The Principal will report the withdrawal and the reasons for the withdrawal to the Superintendent to satisfy state reporting requirements.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5130/page 2 of 2  
Withdrawal from School

## B. Transferring Pupils

1. A pupil requesting transfer to another school, public or private, must obtain from the Main office a transfer form for approval by the pupil's parent(s) or legal guardian(s).
2. A parent(s) or legal guardian(s) who withdraws a pupil from this district shall be asked to designate the name and location of the school or school district in which he/she intends to enroll the pupil. The Principal shall be alert to the receipt of a request for records from that school district, for the purpose of implementing Policy No. 8464.

## C. Pupil's Responsibilities

A pupil who withdraws, permanently or by transfer, must:

1. Return all books, uniforms, and other school property to the appropriate school staff member, who shall give a proper receipt for returned items;
2. Clear out his/her locker(s) and turn in any locks owned by the district;
3. Clear any obligations, for materials or fines, to the school library;
4. Pay any fines due for damaged or lost textbooks; and
5. Submit a properly authorized withdrawal or transfer form.

## D. Records

1. The records of a pupil who transfers to another school will be sent to that school in accordance with Regulation No. 8330.
2. The permanent records of a pupil who withdraws from school will be retained in accordance with Regulation No. 8330.

Issued: 15 January 2008

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 1 of 11

### R 5200 ATTENDANCE (M)

#### **M**

##### **A. Attendance Recording**

##### **1. School Register (N.J.A.C. 6A:32-8.1)**

a. The Board of Education shall carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic format of the school district's choosing.

b. The Commissioner will issue and publish on the Department's website guidance for recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.

c. Student attendance shall be recorded in the school register during school hours on each day in session, pursuant to N.J.A.C. 6A:32-8.3. An employee designated by the Superintendent shall keep in the school register, attendance of all students, and shall maintain the attendance records in accordance with N.J.A.C. 6A:32-8 and the guidance at N.J.A.C. 6A:32-8.1(c) and A.1.b. above.

d. A student who has been placed on home instruction shall have their attendance status recorded on the regular register for the program in which the student is enrolled. The student shall be marked absent for the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement. Absences shall not be recorded for the student while on home instruction, provided the hours of instruction are no less than required by N.J.A.C. 6A:14-4.8 and 4.9 and 6A:16-10.1 and 10.2. The number of possible days in membership for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

(1) "Days in membership" means the number of school days in session in which a student is enrolled. A student's membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.

##### **2. Day in Session (N.J.A.C. 6A:32-8.3)**

a. A day in session shall be a day on which the school is scheduled to provide instruction and students are under the guidance and direction of a teacher(s) engaged in the teaching process. A day on which school is closed for reasons such as holidays and teachers' institutes, or inclement weather not under conditions set forth at N.J.A.C. 6A:32-13, shall not be considered a day in session.



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 2 of 11

b. A day in session shall consist of not less than four hours, exclusive of recess and lunch periods, except that one continuous session of two and one-half hours may be considered a full day in Kindergarten.

### 3. Student Attendance (N.J.A.C. 6A:32-8.4)

a. For all State attendance submissions, a student shall be recorded as present, absent, or excused for a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below, on every day the school is in session after the student enrolls until the date the student is transferred to another school or officially leaves the school district.

b. A record of attendance of all students shall be kept in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above. The employee designated by the Superintendent shall keep the attendance records according to N.J.A.C. 6A:32-8 and the guidance issued by the Commissioner in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above.

c. A student enrolled in a school shall be recorded in the school register as present if the student participates in instruction or instruction-related activities for at least half a day in session whether the student is physically on school grounds, at an approved off-grounds location, or in a virtual or remote instruction setting, pursuant to N.J.A.C. 6A:32-13.

d. A student enrolled in a school who is not participating in instruction or instruction-related activities pursuant to N.J.A.C. 6A:32-8.4(c) and A.3.c. above shall be recorded in the school register as absent, unless the student is recorded as a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below.

e. State-excused absences shall be as follows:

(1) Religious observance, pursuant to N.J.S.A. 18A:36-14, 15, and 16.

(a) The Commissioner, with approval of the State Board of Education, shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis;

(2) Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;

(3) Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;

(4) Take Our Children to Work Day;

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 3 of 11

(5) College visit(s), up to three days per school year for students in grades eleven and twelve; and

(6) Closure of a busing school district that prevents a student from having transportation to the receiving school.

f. For absences that do not meet the criteria at N.J.A.C. 6A:32-8.4(e) and A.3.e. above, the Board may adopt policies that establish locally approved or excused absences consistent with N.J.A.C. 6A:16-7.6 for the purposes of expectations and consequences regarding truancy, student conduct, promotion, retention, and the award of course credit. However, an absence designated as excused by the Board pursuant to N.J.A.C. 6A:16-7.6 shall be considered as an absence in the submission to the State for the purpose of chronic absenteeism reporting, as set forth at N.J.A.C. 6A:32-8.6.

#### 4. Average Daily Attendance (N.J.A.C. 6A:32-8.5)

The average daily attendance rate in a district school or program of instruction for a school year shall be the total number of the days present of all enrolled students, divided by the number of days in membership of all enrolled students. The student average daily attendance means the total number of days that a student is present in the school divided by the total possible number of days in session.

#### 5. Absentee and Chronic Absenteeism Rates (N.J.A.C. 6A:32-8.6)

a. A student's absentee rate shall be determined by subtracting the student's total number of days present from the student's days in membership and dividing the result by the student's days in membership.

(1) State-excused absences shall not be included in a student's days in membership for purposes of calculating a student's absentee rate.

b. If a student's absentee rate is equal to or greater than ten percent, the student shall be identified as chronically absent.

c. Each school with ten percent or more of its enrolled students identified as chronically absent shall develop a corrective action plan to improve absenteeism rates. In accordance with N.J.S.A. 18A:38-25.1, the school will annually review and revise the corrective action plan and present the revisions to the Board, until the percentage of students who are chronically absent is less than ten percent.

#### B. Unexcused Absences That Count Toward Truancy/Excused Absences for Board Policy

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 4 of 11

1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, “excused” and “unexcused” student absences for the purpose of expectations and consequences regarding truancy, student conduct, promotion, retention, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.

2. N.J.A.C. 6A:16-7.6(a)3 requires the Board of Education policies and procedures contain, at a minimum, a definition of unexcused absence that counts toward truancy, student conduct, promotion, retention, and the award of course credit.

a. “An unexcused absence that counts toward truancy” is a student’s absence from school for a full or a portion of a day for any reason that is not an “excused absence” as defined in B.2.b. below.

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

- The student’s illness, supported by notification to the school by the student’s parent (documentation may be required);
- The student’s required attendance in court (documentation is required);
- Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;
- The student’s suspension from school;
- Family illness or death (documentation may be required);
- Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;
- Take Our Children to Work Day;
- Religious observance, pursuant to N.J.S.A. 18A:36-14 through 16;

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 5 of 11

- Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;
- Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;
- Closure of a busing school district that prevents a student from having transportation to the receiving school;
- An absence considered excused by the Commissioner of Education and/or a New Jersey Department of Education rule;
- An absence for a reason not listed above, but deemed excused by the Principal upon a written request by the student's parent stating the reason for the absence and requesting permission for the absence to be an excused absence;

### C. Notice to School of a Student's Absence

1. The parent or adult student shall notify the school office before the school day when the student will not be in school.
2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session shall provide notice to the school office before the start of the afternoon session.
3. The parent of a student or an adult student shall notify the school office of a future absence if the absence is foreseeable.
4. In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student's absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student's parent to notify the parent of the absence and determine the reason for the absence.

### D. Readmission to School After an Absence

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

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 6 of 11

2. A student who has been absent by reason of having or being suspected of having a communicable disease may be required to present to the school nurse written evidence of being free of a communicable disease.

3. The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school.

a. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.

### E. Instruction

1. Teachers will cooperate in the preparation of home assignments for students who have an anticipated an absence.

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

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

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

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

### F. Denial of Course Credit

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

2. An elementary student may be retained at grade level, in accordance with Policy 5410, when the student has been absent 30 or more school days, whatever the reason for the absence,

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 7 of 11

except absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, and absences due to student's suspension will not count toward the total.

- Exceptions to this rule may be made for students who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.

G. School District Response To Unexcused Absences During the School Year That Count Toward Truancy (N.J.A.C. 6A:16-7.6(a)4.)

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:

a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;

b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent(s);

c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;

d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and

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

2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:

a. Make a reasonable attempt to notify the student's parent(s) of each unexcused absence prior to the start of the following school day;

b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent(s);

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

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 8 of 11

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

- (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
- (2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;
- (3) Consider an alternate educational placement;
- (4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
- (5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and G.4. below;
- (6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and
- (7) Engage the student's family.

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

3. For cumulative unexcused absences of ten or more that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:

- a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and G.4. below;
  - b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
  - c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
  - d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required; and
4. A court referral may be made as follows:

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 9 of 11

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

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

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

(1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.

5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's Individual Education Program (IEP), pursuant to 20 U.S.C. §§1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b) 3.xii.

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

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

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

### H. Discipline

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

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



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS  
R 5200 ATTENDANCE (M)  
Page 10 of 11

### I. Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students' attendance at out-of-school curricular events such as field trips.
2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy 5200 and this Regulation.
3. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

### J. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.
2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
  - a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.
  - b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.
  - c. If the student is not satisfied, the student may submit a written request to the Principal for consideration by an Attendance Review Committee.
  - d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.
  - e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5200 ATTENDANCE (M)

Page 11 of 11

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

### K. Attendance Records

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

Adopted: March 16, 2023

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5230/page 1 of 4  
Late Arrival and Early Dismissal

### R 5230 LATE ARRIVAL AND EARLY DISMISSAL

#### A. Definitions

1. "Late arrival" means the arrival of a pupil after the beginning of the pupil's school day for an excused purpose. A late arrival is not an instance of tardiness for the purpose of applying Regulation No. 5240.
2. "Early dismissal" means the release of a pupil from school prior to the end of the pupil's school day for an excused purpose; "early dismissal" includes the release of a pupil for a period of time that occurs during the pupil's school day. An early dismissal is not an absence for the purpose of applying Regulation No. 5200.
3. "Dismissal from class" means a pupil's brief absence from his/her assigned class for a reason that has been approved in advance. A "dismissal from class" is not a class "cut" for the purpose of applying Regulation No. 5200.

#### B. Acceptable Excuses

The following circumstances justify a pupil's late arrival. The list is not meant to be exhaustive, and the Building Principal should use his/her best judgment in determining whether or not there is good cause for the pupil's late arrival.

1. The pupil's disability from illness or injury, including any necessary emergency visits to a physician or dentist;
2. A bona fide family emergency;
3. The observance of a religious holiday;
4. Religious instruction;
5. Family emergency;
6. Medical or dental appointment that cannot be scheduled at a time other than during the school day;

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5230 page 2 of 4  
Late Arrival and Early Dismissal

7. Motor vehicle driver's examination that cannot be scheduled at a time other than during the school day;
8. The pupil's required attendance in court;
9. Private lessons in music, art, or dance or private practice sessions in preparation for competitive events, such as in figure skating or gymnastics; and
10. An interview with a prospective employer or with an admissions officer of an institution of higher education.

## C. Late Arrival

1. The parent(s) or legal guardian(s) or adult pupil shall submit a written request for approval of a late arrival to the Main office. The request must include the reason for the pupil's late arrival and a statement of why it is necessary to delay the pupil's arrival at school.

## D. Early Dismissal Generally

1. A pupil's early dismissal must be approved by the Building Principal in advance. Except for emergencies, an early dismissal that is not approved in advance will be considered to be an absence.
2. The parent(s) or legal guardian(s) or adult pupil shall submit a written request for approval of an early dismissal to the Building Principal. The request must include the reason for the pupil's early dismissal and a statement of why it is necessary to excuse the pupil before the end of the pupil's school day.
3. A pupil must obtain an approved early dismissal permission slip from the Main office and present the slip to the teaching staff member in charge of the class or activity from which the pupil is to be dismissed. The permission slip will include the date and time of approved dismissal. The teaching staff member in charge must verify the date and time.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5230 Page 3 OF 4

Late Arrival and Early Dismissal

### E. Early Dismissal for Illness or Injury

1. A pupil who suffers a significant illness or injury during the course of the school day will be treated in accordance with Policy and Regulation No. 8441.
2. A pupil who suffers a minor illness or injury will be sent to the school nurse.
3. If the school nurse determines that an elementary pupil should be sent home, the pupil's parent(s) or legal guardian(s) or the responsible adult designated by the parent(s) or legal guardian(s) will be telephoned to pick up the pupil.
4. No pupil shall be released from school before the end of the school day except in the presence of the pupil's parent(s) or legal guardian(s) or an agent of the parent(s) or legal guardian(s).

### F. Early Dismissal for Family Emergency

1. A pupil's parent(s) or legal guardian(s), or caretaker may request the pupil's early release for a bona fide family emergency. Early dismissal for family emergency must be approved by the Building Principal.
2. A pupil will be released to a parent(s) or legal guardian(s) who reports to the school office and explains satisfactorily to the Principal that good and sufficient reason justifies the pupil's release from school before the end of the pupil's school day.
3. A pupil will be released to an agent of the parent(s) or legal guardian(s) provided the parent(s) or legal guardian(s), or a caretaker personally known to the Principal has requested the pupil's release by:
  - a. Written request signed by the parent(s) or legal guardian(s), or caretaker and verified by telephone call to the signer, or
  - b. A telephone call that is verified by a return telephone call to the pupil's residence or, if the call does not originate in the pupil's home, by interrogation of the caller to test his/her knowledge of specific facts about the pupil.
4. The Principal shall verify the identity of the agent to whom the pupil is released by examination of documents or by verification of characteristics supplied by the parent(s) or legal guardian(s), or caretaker.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5230 Page 4 OF 4

Late Arrival and Early Dismissal

5. If the Principal believes that a genuine emergency may exist but cannot verify the identity of the person who requests release of the pupil, the Principal shall arrange for the pupil's transportation by a school staff member directly to the custody of the parent(s) or legal guardian(s), or designated agent of the parent or legal guardian.
6. The Principal shall maintain a record of each pupil's parent(s) or legal guardian(s). The record shall include any legally sufficient notice given the Principal by a parent(s) or legal guardian(s) in sole custody that the noncustodial parent's access to the pupil has been limited. In the absence of such notice, the Principal shall presume that the pupil may be released into the care of either parent(s) or legal guardian(s).

Issued: 15 January 2008

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5240/page 1 of 1  
Tardiness

## R 5240 TARDINESS

### A. Definitions

1. A pupil is tardy to school when the pupil reports to his/her assigned homeroom after the late bell rings without approval for the delay.
2. A pupil is tardy to class when the pupil reports to his/her assigned classroom or other place of instruction after the late bell rings without approval for the delay.
3. A pupil who is late to school or class for an excused purpose pursuant to Policy No. 5230 is not tardy for the purpose of this regulation.

### B. Procedures for Tardy Arrivals

1. A pupil who is tardy to school must report to the Main office to present a written note explaining the reason for the tardiness. The pupil must sign in and receive a late pass for admission to class.
2. A pupil who is tardy to class may be sent by the teacher to the Main office to explain the reason for the tardiness and obtain a late pass for admission to class.
3. No pupil who arrives at school after attendance has been taken will be admitted to class without a late pass.

Issued: 15 January 2008

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5306/page 1 of 4  
Health Services to Nonpublic Schools  
M

## R 5306 HEALTH SERVICES TO NONPUBLIC SCHOOLS

A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to pupils enrolled in the nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

- A. Nursing services shall be provided to pupils enrolled in a nonpublic school as follows pursuant to N.J.S.A. 18A:40-23 et seq.:
1. Who are full-time based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;
  2. The provision of services shall be only to pupils of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year;
  3. The provision of nursing services as follows:
    - a. Assistance with medical examinations including dental screening;
    - b. Screening of hearing;
    - c. The maintenance of pupil health records and notification of local or county health officials of any pupil who has not been properly immunized.
  4. Scoliosis examinations of pupils between the ages of ten and eighteen.
- B. The Board of Education shall provide for the extension of emergency care provided to public school pupils to those pupils who are enrolled full-time in the nonpublic school who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-1.4 and 2.1(a)4.
- C. The Board of Education may provide additional services to those required under A. above under the following conditions:



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5306/page 2 of 4  
Health Services to Nonpublic Schools

1. Such additional medical services may only be provided when all basic nursing services required under A. and B. above have been provided or will be provided;
  2. Such additional medical services may include the necessary equipment, materials, and services for immunizing pupils who are enrolled full-time in the nonpublic school from diseases as required by N.J.A.C. 8:57-4, Immunization of Pupils in School;
  3. Equipment comparable to that in use in the school district may be purchased by the school district to loan without charge to the nonpublic school for the purpose of providing services under this section. However, such equipment shall remain the property of the district Board of Education; and
  4. Costs of supplies comparable to that in use in the school district and transportation costs may be charged to the funds allocated for each participating nonpublic school provided that they are directly related to the provision of the required basic nursing services and additional medical services which may be provided.
- D. Health services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, an employee of a third-party contractor, or an independent contractor.
- E. The health services provided to a nonpublic school pupil shall not include instructional services.
- F. A nonpublic school may decline nursing services required under N.J.A.C. 6A:16-2.5 by submitting notification to the Board of Education signed by the Chief School Administrator of the nonpublic school pursuant to N.J.S.A. 18A:40-29.
- G. A pupil who is enrolled in a nonpublic school and whose parent(s) or legal guardian(s) objects to the pupil receiving any services provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.
- H. The Board of Education shall consider the provision of health services based upon the following:

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5306/page 3 of 4  
Health Services to Nonpublic Schools

1. The funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;
  2. The provision of services shall be only to a pupil of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year; and
  3. The funds expended by the Board of Education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.
- I. The Superintendent or designee shall confer annually with the administrator of the nonpublic school for the following purposes:
1. To advise the nonpublic school of the amount of funds allocated to the nonpublic school by the Department of Education or otherwise made available by the school district for the provision of health services for the full-time pupils enrolled in the nonpublic schools;
  2. To agree on the basic health services to be provided and additional medical services which may be provided as set forth in N.J.S.A. 18A:40-23 et seq.;
  3. To assure that in the event the Superintendent or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the County Office of Education shall provide assistance;
  4. To assure that each nonpublic school which receives nursing services has a copy of N.J.S.A. 18A:40-23 to 31 and N.J.A.C. 6A:16-2.5; and
  5. To assure a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.
- J. For the purposes of monitoring and recordkeeping, the Board of Education providing health services to nonpublic schools shall annually submit the following information to the County Superintendent of Education on or before October 1 and shall provide a copy to the Chief School Administrator of the nonpublic schools within school district boundaries:
1. A written statement verifying that the required conference was held with the nonpublic school;
  2. A copy of the contract with another agency to provide the services, if applicable, and approved minutes of the Board of Education meeting approving the contract, which describes the methods by which the health services to nonpublic school pupils will be provided for the ensuing year, including a rationale for the distribution of funds; and

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5306/page 4 of 4  
Health Services to Nonpublic Schools

3. A copy of the contract with another agency to provide the services, if applicable, and approved minutes of the Board of Education meeting approving the contract, which describes the methods by which the health services to nonpublic school pupils will be provided for the ensuing year, including a rationale for the distribution of funds; and
4. A description of the type and number of services that were provided during the previous school year on a form approved by the Commissioner of Education.

Issued: 15 January 2008

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5308 STUDENT HEALTH RECORDS (M)

Page 1 of 3

### R 5308 STUDENT HEALTH RECORDS (M)

Student health records shall be maintained for each student pursuant to N.J.A.C. 6A:16-2.4. Maintenance and security of student health records shall be in accordance with N.J.A.C. 6A:32-7.4.

#### A. Mandated Student Health Records

1. The district shall maintain for each student, pursuant to N.J.A.C. 6A:32, a student health record that includes the following mandated records:
  - a. Findings of health histories, medical examinations, and health screenings pursuant to N.J.A.C. 6A:16-2.2 and 4.3; and
  - b. Documentation of immunizations against communicable diseases or exemption from these immunizations pursuant to N.J.A.C. 8:57-4.1, 4.3, and 4.4.
2. The district will document the findings of student health histories, health screenings, and required medical examinations that are relevant to school participation on the student's health record using a form approved by the Commissioner of Education.

#### B. Maintenance and Security of Student Health Records

1. The school district shall maintain student health records in accordance with N.J.A.C. 6A:32-7.4 as follows:
  - a. Student health records may be stored electronically or in paper format.
    - (1) When student health records are stored electronically, proper security and backup procedures shall be administered;
  - b. Student health records, whether stored on paper or electronically, shall be maintained in accordance with N.J.A.C. 6A:32-7.1(l).
    - (1) Student health records shall be maintained separately from other student records. Student health records also shall be maintained in accordance with the requirements of N.J.A.C. 6A:32-7 until such time as graduation or termination from the district, whereupon the

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5308 STUDENT HEALTH RECORDS (M)

Page 2 of 3

health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

- c. Student health records shall be accessible during the hours in which the school program is in operation.

### C. Transferring Student Health Records

The school district shall ensure compliance with the requirements of N.J.A.C. 6A:32-7 – Student Records and Policy and Regulation 8330 when transferring student health records.

### D. Restrictions for Sharing Student Health Information

- 1. Any Board of Education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing information as required by Federal and State statutes and regulations.
  - a. Information that identifies a student as having HIV infection or AIDS shall be shared only with prior written informed consent of the student age twelve or greater, or of the student's parent as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the student.
  - b. Information obtained by the school's alcohol and other drug program that would identify the student as an alcohol or other drug user may be disclosed only for those purposes and under conditions permitted by 42 CFR Part 2.
  - c. Information provided by a secondary school student while participating in a school-based alcohol or other drug counseling program that indicates a parent or other person residing in the student's household is dependent upon or illegally using a substance shall be shared only for those purposes and conditions permitted by N.J.S.A. 18A:40A-7.1.

### E. Access to Student Health Records

- 1. Access to and disclosure of information in the student health record shall meet the requirements of the Family Educational Rights and Privacy Act (FERPA), 20

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5308 STUDENT HEALTH RECORDS (M)

Page 3 of 3

USC §1232g and 34 CFR Part 99 as amended and supplemented, and N.J.A.C. 6A:32-7 – Student Records.

2. The school district shall provide access to the student health record to licensed medical personnel not holding educational certification who are working under contract with, or as employees of, the school district only to the extent necessary to enable the licensed medical personnel to perform their duties.
  - a. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to portions of the student health record necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.
3. Nothing in N.J.A.C. 6A:16-2.4 or in Policy 5308 and this Regulation shall be construed to prohibit school personnel from disclosing to students or adults in connection with an emergency the information contained in the student health record if the release is necessary to protect the immediate health or safety of the student or other persons pursuant to N.J.A.C. 6A:32-7.5.

Adopted: December 12, 2023

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5310 HEALTH SERVICES (M)

Page 1 of 8

### R 5310 HEALTH SERVICES (M)

#### A. Definitions – (N.J.A.C. 6A:16-1.3)

1. Advanced practice nurse (APN) – means a person who holds a current license as either an advanced practice nurse or a nurse practitioner/clinical nurse specialist from the State Board of Nursing.
2. Certified school nurse – means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an educational services certificate, school nurse, or school nurse/non-instructional endorsement from the Department of Education, pursuant to N.J.A.C. 6A:9B-14.3 and 14.4.
3. Medical home – means a health care provider, including New Jersey FamilyCare providers as defined by N.J.S.A. 30:4J-12 and the provider’s practice site chosen by the student’s parent for the provision of health care.
4. Non-certified nurse – means a person who holds a current license as a professional nurse from the State Board of Nursing and is employed by a Board of Education and who is not certified as a school nurse by the Department of Education.
5. Parent – means the natural parent(s), adoptive parent(s), legal guardian(s), resource family parent(s), or surrogate parent(s) of a student. When parents are separated or divorced, “parent” means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.
6. Physical examination – means the examination of the body by a professional licensed to practice medicine or osteopathy, or an advanced practice nurse, or physician assistant. The term includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.
7. Physician assistant (PA) – means a health care professional licensed to practice medicine with physician supervision.
8. School physician – means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy whose training and scope of

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5310 HEALTH SERVICES (M)

Page 2 of 8

practice includes child and adolescent health and development. The physician is also referred to as the medical inspector as per N.J.S.A. 18A:40-1.

### B. Medical Examinations – General Conditions (N.J.A.C. 6A:16-2.2)

1. Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility, pursuant to N.J.S.A. 18A:40-4.
2. The findings of required examinations under N.J.A.C. 6A:16-2.2(h)2. through (h)5. and D. through G. below shall include the following components:
  - a. Immunizations, pursuant to N.J.A.C. 8:57-4.1 through 4.24;
  - b. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;
  - c. Health screenings including height, weight, hearing, blood pressure, and vision; and
  - d. Physical examinations.
3. Each school shall have available and maintain an automated external defibrillator (AED), pursuant to N.J.S.A. 18A:40-41a.a.(1) and (3), that is:
  - a. In an unlocked location on school property, with an appropriate identifying sign;
  - b. Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the school district or nonpublic school are participating; and
  - c. Within a reasonable proximity of the school athletic field or gymnasium, as applicable.
4. The Board of Education shall make accessible information regarding the NJ FamilyCare Program to students who are knowingly without medical coverage, pursuant to N.J.S.A. 18A:40-34.



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5310 HEALTH SERVICES (M)

Page 3 of 8

5. Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history, pursuant to N.J.S.A. 26:5C-1 et seq.
  6. Pursuant to N.J.S.A. 18A:40-4, a student who presents a statement signed by their parents that such required examinations interfere with the free exercise of their religious beliefs shall be examined only to the extent necessary to determine whether the student is ill or infected with a communicable disease or to determine their fitness to participate in any health, safety, or physical education course required by law.
- C. Medical Examinations - Prior to Participation on a School-Sponsored Interscholastic or Intramural Athletic Team or Squad for Students Enrolled in Any Grades Six to Twelve (N.J.A.C. 6A:16-2.2(h)1.)
1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for students enrolled in any grades six to twelve.
    - a. The examination shall be conducted within 365 days prior to the first day of official practice in an athletic season and shall be conducted by a licensed physician, APN, or PA.
    - b. The physical examination shall be documented using the Preparticipation Physical Evaluation (PPE) form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine and is available online at  
  
<http://www.state.nj.us/education/students/safety/health/records/athleticphysicalsform.pdf>,  
in accordance with N.J.S.A. 18A:40-41.7.
  - (1) Prior to performing a preparticipation physical examination, the licensed physician, APN, or PA who performs the student-athlete's physical examination shall complete the Student-Athlete Cardiac Screening professional development module and shall sign the certification statement on the PPE form attesting to the completion, pursuant to N.J.S.A. 18A:40-41d.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5310 HEALTH SERVICES (M)

Page 4 of 8

- (a) If the PPE form is submitted without the signed certification statement and the school district has confirmed that the licensed physician, APN, or PA from the medical home did not complete the module, the student-athlete's parent may obtain a physical examination from a physician who can certify completion of the module or request that the school physician provides the examination.
  - (2) The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, APN, or PA.
  - (3) An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.
- c. Each student whose medical examination was completed more than ninety days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire completed and signed by the student's parent. The completed health history update questionnaire shall include information listed below as required by N.J.S.A. 18A:40-41.7.b.

The completed health history update questionnaire shall be reviewed by the school nurse and, if applicable, the school athletic trainer and shall include information as to whether, in the time period since the date of the student's last preparticipation physical examination, the student has:

- (1) Been advised by a licensed physician, APN, or PA not to participate in a sport;
- (2) Sustained a concussion, been unconscious or lost memory from a blow to the head;
- (3) Broken a bone or sprained, strained, or dislocated any muscles or joints;
- (4) Fainted or blacked out;

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5310 HEALTH SERVICES (M)

Page 5 of 8

- (5) Experienced chest pains, shortness of breath, or heart racing;
  - (6) Had a recent history of fatigue and unusual tiredness;
  - (7) Been hospitalized, visited an emergency room, or had a significant medical illness;
  - (8) Started or stopped taking any over the counter or prescribed medications; or
  - (9) Had a sudden death in the family, or whether any member of the student's family under the age of fifty has had a heart attack or heart trouble.
- d. The school district shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.
- e. The Board shall not permit a student enrolled in grades six to twelve to participate on a school-sponsored interscholastic or intramural athletic team or squad unless the student submits a PPE form signed by the licensed physician, APN, or PA who performed the physical examination and, if applicable, a completed health history update questionnaire, pursuant to N.J.S.A. 18A:40-41.7.c.
- f. The school district shall distribute to a student-athlete and the student-athlete's parent the sudden cardiac arrest pamphlet developed by the Commissioner of Education, in consultation with the Commissioner of Health, the American Heart Association, and the American Academy of Pediatrics, pursuant to N.J.S.A. 18A:40-41.
  - (1) A student-athlete and the student-athlete's parent annually shall sign the Commissioner-developed form that they received and reviewed the pamphlet, and shall return it, to the student's school, pursuant to N.J.S.A. 18A:40-41.d.
  - (2) The Commissioner shall update the pamphlet, as necessary, pursuant to N.J.S.A. 18A:40-41.b.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5310 HEALTH SERVICES (M)

Page 6 of 8

- (3) The Commissioner shall distribute the pamphlet, at no charge, to the school district, pursuant to N.J.S.A. 18A:40-41.b.

### D. Medical Examinations - Upon Enrollment in School (N.J.A.C. 6A:16-2.2(h)2.)

1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and upon enrollment in school.
  - a. The school district shall require parents to provide within thirty days of enrollment entry-examination documentation for each student.
  - b. When a student transfers to another school, the sending school district shall ensure the entry-examination documentation is forwarded to the receiving school district, pursuant to N.J.A.C. 6A:16-2.4(d).
  - c. Students transferring into this school district from out-of-State or out-of-country may be allowed a thirty-day period to obtain entry-examination documentation.
  - d. The school district shall notify parents through its website or other means about the importance of obtaining subsequent medical examinations of the student at least once during each developmental stage: at early childhood (pre-school through grade three), pre-adolescence (grade four through six), and adolescence (grade seven through twelve).

### E. Medical Examinations - When Students Apply for Working Papers (N.J.A.C. 6A:16-2.2(h)3.)

1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and when applying for working papers.
2. The school district may provide for the administration of a medical examination for a student pursuing a certificate of employment.
3. The school district shall not be held responsible for the costs for examinations at the student's medical home or other medical provider(s).

### F. Medical Examinations - For the Purposes of the Comprehensive Child Study Team Evaluation Pursuant to N.J.A.C. 6A:14-3.4 (N.J.A.C. 6A:16-2.2(h)4.)

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5310 HEALTH SERVICES (M)

Page 7 of 8

1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and for the purposes of the comprehensive child study team evaluation, pursuant to N.J.A.C. 6A:14-3.4.
- G. Medical Examinations - When a Student is Suspected of Being Under the Influence of Alcohol or Controlled Dangerous Substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 (N.J.A.C. 6A:16-2.2(h)5.)
1. The school district shall ensure that students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(f) and B.1. above and when a student is suspected of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3.
  2. If a student who is suspected of being under the influence of alcohol or controlled dangerous substances is reported to the certified school nurse, the certified school nurse shall monitor the student's vital signs and general health status for emergent issues and take appropriate action pending the medical examination, pursuant to N.J.A.C. 6A:16-4.3.
  3. No school staff shall interfere with a student receiving a medical examination for suspicion of being under the influence of alcohol or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3.

H. Health Screenings (N.J.A.C. 6A:16-2.2(l))

The Board of Education shall ensure that students receive health screenings in accordance with N.J.A.C. 6A:16-2.2(l).

1. Screening for height, weight, and blood pressure shall be conducted annually for each student in Kindergarten through grade twelve.
2. Screening for visual acuity shall be conducted biennially for students in Kindergarten through grade ten.
3. Screening for auditory acuity shall be conducted annually for students in Kindergarten through grade three and in grades seven and eleven, pursuant to N.J.S.A. 18A:40-4.
4. Screening for scoliosis shall be conducted biennially for students between the ages of ten and eighteen, pursuant to N.J.S.A. 18A:40-4.3.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5310 HEALTH SERVICES (M)

Page 8 of 8

5. Screenings shall be conducted by a school physician, school nurse, or other school personnel properly trained.
6. The school district shall notify the parent of any student suspected of deviation from the recommended standard.
7. The school nurse or designee shall screen to ensure hearing aids worn by students who are deaf and/or hard of hearing are functioning properly. The school nurse or designee will ensure any FM hearing aid systems in classrooms or any school equipment in the school building used to assist students to hear, are functioning properly.

Adopted: December 12, 2023

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5320/page 1 of 20  
Immunization

### R 5320 IMMUNIZATION

#### A. Immunizations on Admission

1. No Principal shall knowingly admit or retain any pupil who has not submitted acceptable evidence of immunization according to the schedule set forth in section E, unless the pupil is provisionally admitted as provided in paragraph A.2. or exempted as provided in section B., N.J.A.C. 8:57-4.3, and 8:57-4.4.
2. A pupil shall be admitted to preschool or school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the pupil is in the process of receiving the remaining immunizations.
  - a. No child will be enrolled provisionally in a school or child care center without documentation of at least one dose of polio, diphtheria, tetanus, pertussis, measles, mumps, rubella, and Hib vaccine (for child care centers only) which are age-appropriate for the child, and hepatitis B as described below. The child must also have an appointment for, and be in process of, receiving the remaining antigens.
  - b. A child under five years of age lacking all required vaccines shall have no more than seventeen months to meet all immunization requirements in accordance with N.J.A.C. 8:57-4.5(b).
  - c. A child five years of age or older lacking all required vaccines shall have no more than one year to complete all immunization requirements in accordance with N.J.A.C. 8:57-4.5(c). is provisionally admitted as provided in paragraph A.2. or exempted as provided in section B., N.J.A.C. 8:57-4.3, and 8:57-4.4.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 2 of 20

### Immunization

3. A pupil shall be admitted to preschool or school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the pupil is in the process of receiving the remaining immunizations.
  - a. No child will be enrolled provisionally in a school or child care center without documentation of at least one dose of polio, diphtheria, tetanus, pertussis, measles, mumps, rubella, and Hib vaccine (for child care centers only) which are age-appropriate for the child, and hepatitis B as described below. The child must also have an appointment for, and be in process of, receiving the remaining antigens.
  - b. A child under five years of age lacking all required vaccines shall have no more than seventeen months to meet all immunization requirements in accordance with N.J.A.C. 8:57-4.5(b).
  - c. A child five years of age or older lacking all required vaccines shall have no more than one year to complete all immunization requirements in accordance with N.J.A.C. 8:57-4.5(c).
  - d. Beginning in September 2001, a child born after January 1, 1990 and entering or attending Kindergarten or first grade (whichever occurs first) and grade six shall document receipt of at least one dose of a licensed hepatitis B vaccine and shall have no more than one year to meet the hepatitis requirement. Physicians or certified nurse practitioners choosing to administer the specific hepatitis B vaccine product licensed for two doses when administered wholly to children eleven to fifteen years of age are to administer the second and final dose of that vaccine no later than six months following the first dose as recommended by the AAP, ACIP, FDA, and the vaccine manufacturer rather than waiting twelve months to complete the hepatitis B vaccine series.
  - e. Provisional status shall **only** be granted one time to pupils entering or transferring into this district schools **in New Jersey**. If a pupil on provisional status transfers, from this district, information on **their** status will be sent **by the original school** to the new school. Provisional status may be extended by a physician for medical reasons as indicated in N.J.A.C. 8:57-4.3.



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 3 of 20  
Immunization

- f. Beginning in September 2001, a child born after January 1, 1990 and entering or attending Kindergarten or first grade (whichever occurs first) and grade six shall document receipt of at least one dose of a licensed hepatitis B vaccine and shall have no more than one year to meet the hepatitis requirement. Physicians or certified nurse practitioners choosing to administer the specific hepatitis B vaccine product licensed for two doses when administered wholly to children eleven to fifteen years of age are to administer the second and final dose of that vaccine no later than six months following the first dose as recommended by the AAP, ACIP, FDA, and the vaccine manufacturer rather than waiting twelve months to complete the hepatitis B vaccine series.
- g. Provisional status shall **only** be granted one time to pupils entering or transferring into this district schools **in New Jersey**. If a pupil on provisional status transfers, from this district, information on **their** status will be sent **by the original school** to the new school. Provisional status may be extended by a physician for medical reasons as indicated in N.J.A.C. 8:57-4.3.
- h. Pupils transferring into this district from another state or country shall be allowed a thirty day grace period in order to obtain past immunization documentation before provisional status shall begin. The thirty day grace period does not apply to pupils transferring from within the State of New Jersey.
- i. The Principal **or designee** shall ensure that the provisionally admitted pupil is receiving required immunizations on schedule. If the pupil has not completed the immunizations at the end of the provisional period, the Principal shall exclude the pupil from school until appropriate documentation of completion has been presented.
- j. Pupils on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services **or his/her designee**.
- k. Pupils on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services **or his/her designee**.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 4 of 20

Immunization

1. Pupils on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services **or his/her designee**.

### B. Exemptions from Immunization

1. A pupil shall not be required to have any specific immunization(s) that are medically contraindicated.
  - a. A written statement from any physician licensed to practice medicine or osteopathy in any jurisdiction in the United States or **an advanced practice nurse** (certified **registered** nurse practitioner **or clinical nurse specialist**) **in any jurisdiction in the United States** indicating that an immunization is medically contraindicated for a specific period of time and the reasons for the medical contraindication, **based on valid reasons** as **enumerated by the Advisory Committee on Immunization Practices (ACIP) standards or the American Academy of Pediatrics (AAP) guidelines**, will exempt a pupil from the specific immunization requirements ~~of~~ **by** law for the period of time specified in the physician's statement.
  - b. The physician's or **an advanced practice nurse's** (certified **registered** nurse practitioner **or clinical nurse specialist**) statement shall be **retained** by the school as part of the immunization record of the pupil and shall be reviewed annually.
  - c. When the pupil's medical condition permits immunization, this exemption shall thereupon terminate, and the pupil **shall** be required to obtain the immunizations from which he/she has been exempted.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 5 of 20  
Immunization

2. A pupil shall be exempted from mandatory immunization if the parent(s) or legal guardian(s) submits a signed statement that explains how the administration of immunizing agents conflicts with the pupil's exercise of bona fide religious tenets or practices. General philosophical or moral objection to immunization shall not be sufficient for an exemption on religious grounds.
  - a. The written statement signed by the parent(s) or legal guardian(s) will be kept by the school as part of the pupil's immunization record.
  - b. This exemption may be suspended by the State Commissioner of Health during the existence of an emergency as determined by the State Commissioner of Health.
  - c. Pupils enrolled in school before September **1**, 1991 and **who have previously been** granted a religious exemption to immunization, before May 1990 shall not be required to reapply for a new religious exemption under N.J.A.C. 8:57-4.4(a).
3. Pupils exempted on medical or religious grounds may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health **and Senior Services or designee**.

### C. Documentation of Immunization

1. Any of the following documents **shall** be accepted as evidence of a pupil's immunization history, provided that the document lists the type of immunization and the specific date (month, day and year) when each immunization was administered.
  - a. An official school record from any school or preschool indicating compliance with immunization requirements,
  - b. A record from any public health department indicating compliance with immunization requirements, or
  - c. A certificate signed by a physician licensed to practice medicine or osteopathy **or an advanced practice nurse (certified registered nurse practitioner, or clinical nurse specialist)** in any jurisdiction in the United States indicating compliance with immunization requirements, **or**
  - d. **The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements.**

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 6 of 20

Immunization

- e. A certificate signed by a physician licensed to practice medicine or osteopathy **or an advanced practice nurse (certified registered nurse practitioner, or clinical nurse specialist)** in any jurisdiction in the United States indicating compliance with immunization requirements, **or**
  - f. **The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements.**
- 2. All immunization records submitted by a parent(s) or legal guardian(s) in a language other than English shall be accompanied by a translation provided by the parent(s) or legal guardian(s) sufficient to determine compliance with the immunization requirements of this regulation.
  - 3. Parental verbal history or recollection or previous immunization is unacceptable documentation or evidence of immunization.

### D. Immunization Records

- 1. Each school shall maintain an official State of New Jersey Immunization Record for every pupil which shall include the date of each individual immunization.
  - a. The New Jersey Department of Health and Senior Services' "School/Child Care Immunization Record" IMM-8 form or the New Jersey Education Department's "Health History and Appraisal" A-45 form for schools continue to be the only two acceptable immunization documentation records under these regulations.
  - b. When a child **withdraws, is promoted, or transfers to another school, preschool or child care center, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity, shall be sent to the new school by the original school or shall be given to the parent(s) or legal guardian(s) upon request, within twenty-four hours of such a request.**

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 7 of 20

Immunization

- c. The immunization record shall be kept separate and apart from the pupil's other medical records for the purpose of immunization record audit.
- d. If a pupil withdraws, is promoted, or transfers to another school, the record, including statements pertaining to medical or religious exemptions, or certified copies thereof, shall be sent to the new school or be given to the parent(s) or legal guardian(s) on request, within twenty-four hours of the request.
- e. Child care centers, **preschools**, and elementary schools are to retain immunization records, or a copy thereof, for at least one year after the pupil has **left the school**. For children who are promoted from elementary to middle school or from middle school to high school within the same school system, this record retention requirement is not applicable in accordance with Department of Education rules and policies on transfer of pupil records.
- f. Each pupil's immunization record, or a copy thereof, shall be retained by a **secondary** school for a minimum of four years after the pupil **graduates from the secondary school** and shall be retained by the elementary school for a minimum of one year after the pupil has left the school.
- g. When a pupil graduates from **secondary** school, the record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent(s) or legal guardian(s) **upon** request.
- h. Any computer-generated document or list developed to record immunization information **shall** be considered a supplement to, not a replacement of, the official New Jersey Immunization Record.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 8 of 20

Immunization

2. A report of the immunization status of the pupils in each school shall be sent each year to the State Department of Health and Senior Services by the Principal or other person in charge of a school. The form for the report will be provided by the State Department of Health and Senior Services. The report shall be submitted by **January 1** of the respective academic year. A copy of this report shall be sent to the local Board of Health in whose jurisdiction the school is located. **Failure by the school district to submit such report by January 1 may result in a referral to the New Jersey Department of Education and the local health department.**
3. The Principal **or other person** in charge of a school shall make immunization records available for inspection by authorized representatives of the State Department of Health and Senior Services or the local Board of Health in whose jurisdiction the school is located, within twenty-four hours of notification.

### E. Immunization Requirements (Effective September 2001)

1. **The immunization requirements for school age children shall be in accordance with the requirements of N.J.A.C. 8:57-4 – Immunization of Pupils in School as outlined below:**

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5320/page 9 of 20

Immunization

<b>MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School</b>		
<b>DISEASE(S)</b>	<b>REQUIREMENTS</b>	<b>COMMENTS</b>
<b>DTaP</b>	<b>(AGE 1-6 YEARS):</b> 4 doses, with one dose given on or after the 4th birthday, OR any 5 doses. <b>(AGE 7-9 YEARS):</b> 3 doses of Td or any previously administered combination of DTP, DTaP, and DT to equal 3 doses.	Any child entering pre-school, pre-Kindergarten, or Kindergarten needs a minimum of four doses. Pupils after the seventh birthday should receive adult type Td. DTP/Hib vaccine and DTaP also valid DTP doses. Laboratory evidence of immunity is also acceptable.
<b>Tdap</b>	<b>GRADE 6</b> ( <i>or comparable age level special education program with an unassigned grade</i> ): 1 dose	For pupils entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. A child does not need a Tdap dose until FIVE years after the last DTP/DTaP or Td dose.
<b>POLIO</b>	<b>(AGE 1-6 YEARS):</b> 3 doses, with one dose given on or after the 4th birthday, OR any 4 doses. <b>(AGE 7 or OLDER):</b> Any 3 doses.	Either Inactivated Polio Vaccine (IPV) or Oral Polio Vaccine (OPV) separately or in combination is acceptable. Polio vaccine is not required of pupils 18 years of age or older. Laboratory evidence of immunity is also acceptable.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5320/page 10 of 20

Immunization

<b>DISEASE(S)</b>	<b>REQUIREMENTS</b>	<b>COMMENTS</b>
<b>MEASLES</b>	<b>If born before 1-1-90, 1 dose of a live Measles-containing vaccine. If born on or after 1-1-90, 2 doses of a live Measles-containing vaccine. If entering a college or university after 9-1-95 and previously unvaccinated, 2 doses of a live Measles-containing vaccine.</b>	<b>Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs a minimum of 1 dose of measles vaccine. Any child entering Kindergarten needs 2 doses. Previously unvaccinated pupils entering college after 9-1-95 need 2 doses of measles-containing vaccine or any combination containing live measles virus administered after 1968. Documentation of 2 prior doses is acceptable. Laboratory evidence of immunity is also acceptable. Intervals between first and second measles/MMR/MR doses cannot be less than 1 month.</b>



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5320/page 11 of 20  
Immunization

DISEASE(S)	REQUIREMENTS	COMMENTS
<b>RUBELLA and MUMPS</b>	<b>1 dose of live Mumps- containing vaccine. 1 dose of live Rubella- containing vaccine.</b>	<b>Any child over 15 months of age entering child care, pre- school, or pre-Kindergarten needs 1 dose of rubella and mumps vaccine. Each pupil entering college for the first time after 9-1-95 needs 1 dose of rubella and mumps vaccine or any combination containing live rubella and mumps virus administered after 1968. Laboratory evidence of immunity is also acceptable.</b>
<b>VARICELLA</b>	<b>1 dose on or after the first birthday.</b>	<b>All children 19 months of age and older enrolled into a child care/pre-school center after 9-1-04 or children born on or after 1-1-98 entering a school for the first time in Kindergarten, Grade 1, or comparable age entry level special education program with an unassigned grade, need 1 dose of varicella vaccine. Laboratory evidence of immunity, physician's statement or a parental statement of previous varicella disease is also acceptable.</b>

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5320/page 12 of 20  
Immunization

DISEASE(S)	REQUIREMENTS	COMMENTS
<b>HAEMOPHILUS INFLUENZAE B (Hib)</b>	(AGE 2-11 MONTHS) <sup>(1)</sup> : 2 doses (AGE 12-59 MONTHS) <sup>(2)</sup> : 1 dose	Mandated only for children enrolled in child care, pre-school, or pre-Kindergarten. <sup>(1)</sup> Minimum of 2 doses of Hib vaccine is needed if between the ages of 2-11 months. <sup>(2)</sup> Minimum of 1 dose of Hib vaccine is needed after the first birthday. DTP/Hib and Hib/Hep B also valid Hib doses.
<b>HEPATITIS B</b>	(K-GRADE 12): 3 doses or 2 doses <sup>(1)</sup>	<sup>(1)</sup> If a child is between 11-15 years of age and has not received 3 prior doses of Hepatitis B then the child is eligible to receive 2-dose Hepatitis B Adolescent formulation. Laboratory evidence of immunity is also acceptable.
<b>PNEUMOCOCCAL</b>	(AGE 2-11 MONTHS) <sup>(1)</sup> : 2 doses (AGE 12-59 MONTHS) <sup>(2)</sup> : 1 dose	Children enrolled in child care or pre-school on or after 9-1-08. <sup>(1)</sup> Minimum of 2 doses of Pneumococcal vaccine is needed if between the ages of 2-11 months. <sup>(2)</sup> Minimum of 1 dose of Pneumococcal vaccine is needed on or after the first birthday.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5320/page 13 of 20  
Immunization

DISEASE(S)	REQUIREMENTS	COMMENTS
<b>MENINGOCOCCAL</b>	(Entering <b>GRADE 6</b> (or comparable age level <i>Special Ed</i> program with an unassigned grade): <b>1 dose</b> <sup>(1)</sup> (Entering a four-year college or university, previously unvaccinated and residing in a campus dormitory): <b>1 dose</b> <sup>(2)</sup>	<sup>(1)</sup> For pupils entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. <sup>(2)</sup> Previously unvaccinated pupils entering a four-year college or university after 9-1-04 and who reside in a campus dormitory, need 1 dose of meningococcal vaccine. Documentation of one prior dose is acceptable.
<b>INFLUENZA</b>	(AGES 6-59 MONTHS): <b>1 dose ANNUALLY</b>	For children enrolled in child care, pre-school or pre-Kindergarten on or after 9-1-08. 1 dose to be given between September 1 and December 31 of each year.

AGE APPROPRIATE VACCINATIONS (FOR LICENSED CHILD CARE CENTERS/PRE-SCHOOLS)	
CHILD'S AGE	NUMBER OF DOSES CHILD SHOULD HAVE (BY AGE):
<b>2-3 Months</b>	<b>1 dose DTaP, 1 dose Polio, 1 dose Hib, 1 dose PCV7</b>
<b>4-5 Months</b>	<b>2 doses DTaP, 2 doses Polio, 2 doses Hib, 2 doses PCV7</b>
<b>6-7 Months</b>	<b>3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza</b>
<b>8-11 Months</b>	<b>3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza</b>
<b>12-14 Months</b>	<b>3 doses DTaP, 2 doses Polio, 1 dose Hib, 2-3 doses PCV7, 1 dose Influenza</b>
<b>15-17 Months</b>	<b>3 doses DTaP, 2 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose PCV7, 1 dose Influenza</b>

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5320/page 14 of 20

Immunization

<b>CHILD'S AGE</b>	<b>NUMBER OF DOSES CHILD SHOULD HAVE (BY AGE):</b>
<b>18 Months – 4 Years</b>	<b>4 doses DTaP, 3 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose Varicella, 1 dose PCV7, 1 dose Influenza</b>

### **PROVISIONAL ADMISSION:**

Provisional admission allows a child to enter/attend school but must have a minimum of one dose of each of the required vaccines. Pupils must be actively in the process of completing the series. If a pupil is less than 5 years of age, they have 17 months to complete the immunization requirements.

If a pupil is 5 years of age and older, they have 12 months to complete the immunization requirements.

### **GRACE PERIODS:**

- **4-day grace period:** All vaccines doses administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require revaccination in order to enter or remain in a school, pre-school or child care facility.

- **30-day grace period:** Those children transferring into a New Jersey school, pre-school, or child care center from out of State/out of country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5320/page 15 of 20

Immunization

### F. Emergency Powers of the Commissioner of Health and Senior Services

1. If a threatened outbreak, or outbreak of disease, or other public health immunization emergency exists at a school, as determined by the State Commissioner of Health and Senior Services or designee, all pupils with provisional, religious, or medical exemptions (which relate to the specific disease threatening or occurring) shall be excluded from school. If these pupils become immunized or produce serologic evidence of immunity to the specific disease the pupil may immediately be readmitted to school.
2. If a threatened outbreak, or outbreak of disease or other public health immunization emergency exists, as determined by the State Commissioner of Health and Senior Services or designee, the State Commissioner or designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.
  - a. All children failing to meet the additional immunization requirements of N.J.A.C. 8:57-4.22 shall be excluded from school until the outbreak or threatened outbreak is over. These requirements shall remain in effect as outlined in N.J.A.C. 8:57-4.22(c).
3. The Commissioner of Health and Senior Services or designee may temporarily suspend an immunization requirement in accordance with the reasons as outlined in N.J.A.C. 8:57-4.22(d).

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page16 of 20  
Immunization

### G. Required Immunizations by Age for New Jersey Child Care Centers.

By This Age	Child shall have received a total of	Intervals between Immunizations
2-3 months	1 dose of DTP/DTaP (Diphtheria-Tetanus-Pertussis) 1 dose Hib 1 dose Polio Vaccine	
4-5 months	2 doses DTP/DTaP 2 doses Hib 2 doses Polio	2 months
6-7 months	3 doses DTP/DTaP 2-3 doses Hib* 2 doses Polio	2 months
8-14 months	3 doses DTP/DTaP 2-3 doses Hib* 2 doses Polio	
15-17 months	3 doses DTP/DTaP 1 dose Hib 2 doses Polio 1 dose MMR (Measles, Mumps, Rubella)	9 months
18-19 months	4 doses DTP/DTaP 1 dose Hib 3 doses Polio 1 dose MMR	3 months
19 months-4 years	4 doses DTP/DTaP 1 dose Hib 3 doses Polio 1 dose MMR	16-17 months to complete the required series

\* Haemophilus influenzae b (Hib) vaccine has different schedules depending on the type of vaccine used and when the child started the series.

### H. Recommended Booster Vaccine Doses for Children Between 4-6 Years Before Entering School (Kindergarten/Grade 1)

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 17 of 20  
Immunization

By Age 4-6	Vaccines	Interval
School Entry Boosters	Child should have received school entry boosters; these consist of 1 dose of DTP/DTaP and 1 dose of poliovirus vaccine given on or after the fourth birthday; and 1 dose of measles/MMR if not given before.	Variable: Dependent upon when the child will be entering a school setting and the physician's preference.

### I. Required Immunizations for New Jersey Child Care Centers and Schools for Children Entering Kindergarten or Grade 1 Not Previously Immunized

Visit Number	Child shall receive at each physician visit	Intervals between Immunizations
1	1 dose DTP/DTaP (Diphtheria-Tetanus-Pertussis) 1 dose Polio Vaccine 1 dose MMR (Measles, Mumps, Rubella) 1 dose Hep B (Hepatitis B)*	Provisional status granted
2	1 dose Hep B* 1 dose DTP/DTaP 1 dose Polio Vaccine 1 dose MMR/measles**	2 months
3	1 dose DTP/DTaP	2 months
4	1 dose Hep B* 1 dose DTP/DTaP 1 dose Polio vaccine	6-8 months
Totals	3 doses Hep B* 4 doses DTP/DTaP 3 doses Polio vaccine 2 doses MMR	10-12 months to complete required vaccines

\* Beginning September 1, 2001, pupils born on or after January 1, 1996 are required to document three doses of Hepatitis B prior to Kindergarten or Grade 1 as appropriate.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5320/page 18 of 20  
Immunization

\*\* Second dose of a measles-containing vaccine, preferably MMR, required for children born on or after January 1, 1990.

### J. Required Immunizations for New Jersey Schools for Children Age 7 or Older Not Previously Immunized

Visit Number	Child shall receive at each physician visit	Intervals between Immunizations
1	1 dose Td (Tetanus-Diphtheria) 1 dose Polio Vaccine 1 dose MMR (Measles, Mumps, Rubella)* 1 dose Hepatitis B (Hep B)**	Provisional status granted
2	1 dose MMR* 1 dose Td 1 dose Polio Vaccine 1 dose Hep B -dependent on regimen and pupil age**	2 months
3	1 dose Td 1 dose Polio Vaccine 1 dose Hep B**	6-10 months
Totals	3 doses Td 3 doses Polio Vaccine 1 or 2 doses MMR* 2 or 3 doses Hep B**	8-12 months to complete required vaccines

\* If born on or after January 1, 1990, a second dose of a measles-containing or MMR vaccine is required.

\*\* NOTE: Beginning September 1, 2001, if born on or after January 1, 1990 and entering Grade 6, two or three doses of Hepatitis B vaccine as appropriate to regimen used are required.



# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5320/page 19 of 20  
Immunization

## K. Hib and Hep B Vaccine Information

Preschools and child care centers are advised that physicians are likely to document Hib conjugate and hepatitis B vaccine administration in various ways.

There are currently eleven basic separate or combination Hib or hepatitis B vaccines available in the United States. The table below summarizes these vaccines for your reference:

Separate Hib Vaccines	Routine Infant Schedule
HbOC (HibTiter) by Wyeth-Ayerst routinely 4 doses given	2,4,6,12-15 months
PRP-T (ActHib or OmniHib) by Aventis routinely 4 doses given	2,4,6,12-15 months
PRP-OMP (PedvaxHib) by Merck routinely 3 doses given	2,4,12 months
PRP-D (ProHIBit) by Aventis routinely 1 dose after 15 months of age (Can also be used as a booster dose 12-15 months)	15 months

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5320/page 20 of 20

Immunization

Combination Hib Vaccines	
DTP/HbOC (Tetramune) by Wyeth-Ayerst	2,4,6,12-15 months
DTP/PRP-T (ActHib, OmniHIB) reconstituted with special DTP vaccine by Aventis	2,4,6,12-15 months
DTaP/Hib (TriHIBit) by Wyeth-Ayerst	4th dose of Hib only (12-15 months)
Hib/Hepatitis B (Comvax) (6 weeks-4 years) by Merck	2,4,12-15 months

Hepatitis B Vaccine	Routine Infant Schedule
Recombivax HB 0.5 mL (for pediatrics 0-18) by Merck 3 dose	2,4,6-18 months
Recombivax HB 1.0 mL (for adolescents 11-15) by Merck 2 dose	11 years, 11 years 6 months
Engerix B 0.5 mL (pediatrics 0-18) by SmithKline 3 dose	2,4,6-18 months
Comvax Hib/hepatitis B (6 weeks-4 years) by Merck	2,4,12-15 months

Issued: 10 March 2009

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5330/page 1 of 9  
Administration of Medication  
M

## R 5330 ADMINISTRATION OF MEDICATION

### A. Definitions

1. “Medication” means any prescription drug or over-the-counter medicine or nutritional supplement and includes, but is not limited to, aspirin and cough drops.
2. “Administration” means the taking of any medication by ingestion, injection, or application to any part of the body or the giving of direct physical assistance to the person who is ingesting, injecting, or applying medication.
3. “Self-administration” means carrying and taking medication without the intervention of the school nurse, approved through the school district policy and restricted to pupils with asthma, other potentially life-threatening illnesses or life-threatening allergic reaction.
4. “Life-threatening illness” means an illness or condition that requires an immediate response to specific symptoms or sequelae (an after effect of disease or injury) that if left untreated may lead to potential loss of life, i.e. adrenaline injection in anaphylaxis.
5. “A pre-filled auto-injector mechanism containing epinephrine” is a medical device used for the emergency administration of epinephrine to a pupil for anaphylaxis.
6. “Noncertified school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by the district, and who is not certified as a school nurse by the Department of Education.
7. “Substitute school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9-6.5(i).

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5330/page 2 of 9

Administration of Medication

8. "School physician" means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of the district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-4.1.
9. "Advanced practice nurse" means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.
10. "Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement, school nurse, or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9-13.3 and 13.4.

### B. Permission for Administration by a School Nurse or Registered Nurse

1. Permission for the administration of medication in school or at school-related events will be given only when it is necessary for the health and safety of the pupil.
2. Medication will not be administered to a pupil who is physically unfit to attend school or has a contagious disease. Any such pupil should not be permitted to attend school and may be excluded in accordance with Policy No. 8451.
3. Parent(s) or legal guardian(s) requests for the administration of medication in school must be made in writing and signed by the parents or legal guardian.
4. The parent(s) or legal guardian(s) must submit a certified statement written and signed by the pupil's physician. The statement must include:
  - a. The pupil's name,
  - b. The name of the medication,
  - c. The purpose of its administration to the pupil for whom the medication is intended,
  - d. The proper timing and dosage of medication,
  - e. Any possible side effects of the medication,
  - f. The time when the medication will be discontinued,
  - g. A statement that the pupil is physically fit to attend school and is free of contagious disease, and
  - h. A statement that the pupil would not be able to attend school if the medication is not administered during school hours.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5330/page 3 of 9

Administration of Medication

- i. A statement that the pupil is physically fit to attend school and is free of contagious disease, and
  - j. A statement that the pupil would not be able to attend school if the medication is not administered during school hours.
5. The request for the administration of medication must be made to the Principal prior to any administration of medication or delivery of the medication to the school. The Principal may consult with the school nurse and the school physician in making his/her final determination to allow or deny the request.
  - a. An approved request will be signed by the Principal and given to the school nurse and the pupil's parent(s) or legal guardian(s).
  - b. The parent(s) or legal guardian(s) will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent.

### C. Administration of Epinephrine To Pupils

1. The parent(s) or legal guardian(s) may provide the Superintendent authorization for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to a pupil for anaphylaxis provided that:
  - a. The parent(s) or legal guardian(s) provides the Superintendent a written authorization for the administration of epinephrine with written orders from the physician or an advanced practice nurse that the pupil requires the administration of epinephrine for anaphylaxis.

The school nurse has the primary responsibility for the administration of epinephrine. However, the school nurse shall designate, in consultation with the Board or Superintendent, additional employees of the district who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a pupil when the school nurse is not physically present at the scene. These volunteers shall be trained using standardized training protocols established by the New Jersey Department of Education in consultation with the Department of Health and Senior Services. The pupil's parent(s) or legal guardian(s) must consent in writing to the administration of epinephrine via a pre-filled auto-injector mechanism by the designee(s).

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

### PUPILS

R 5330/page 4 of 9

### Administration of Medication

- b. The parent(s) or legal guardian(s) must be informed in writing by the Board or Superintendent that the school district and its employees or agents shall have no liability as a result of any injury arising from the administration of epinephrine to the pupil.
- c. The parent(s) or legal guardian(s) must sign a statement acknowledging their understanding the district shall incur no liability as a result of any injury arising from the administration of epinephrine via a pre-filled auto-injector mechanism to the pupil and the parent(s) or legal guardian(s) shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of epinephrine via a pre-filled auto-injector mechanism.
- d. The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism is effective for the school year it is granted and must be renewed for each subsequent school year upon the fulfillment of the requirements as outlined in a. through d. above.
- e. The school nurse shall be responsible for the placement of the pupil's prescribed epinephrine in a secure but unlocked location easily accessible by the school nurse and designees to ensure prompt availability in the event of an allergic emergency at school or at a school function. The location of the epinephrine shall be indicated on the pupil's emergency care plan. Back-up epinephrine shall also be available at the school if needed.
- f. The school nurse or designee shall be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction.
- g. The school nurse or designee shall arrange for the transportation of the pupil to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.
- h. The school nurse or designee shall arrange for the transportation of the pupil to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the pupil's symptoms appear to have resolved.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5330/page 5 of 9  
Administration of Medication

### D. Permission for Self-Administration of Medication

Permission for self-administration of medication of a pupil with asthma, other potentially life-threatening illness, or a life-threatening allergic reaction may be granted under the following conditions:

1. Parent(s) or legal guardian(s) of the pupil must provide the Board written authorization for the self-administration of medication;
2. The parent(s) or legal guardian(s) of the pupil must also provide the Board with a signed written certification from the physician of the pupil that the pupil has asthma or another potentially life threatening illness or is subject to a life-threatening allergic reaction and is capable of, and has been instructed in, the proper method of self-administration of medication. The written certification must include:
  - a. The pupil's name;
  - b. The name of the medication;
  - c. The purpose of its administration to the pupil for whom the medication is intended;
  - d. The proper timing and dosage of medication;
  - e. Any possible side effects of the medication;
  - f. The time when the medication will be discontinued;
  - g. A statement that the pupil is physically fit to attend school and is free of contagious disease; and
  - h. A statement the medication must be administered during the school day or the pupil would not be able to attend school.
3. The parent(s) or legal guardian(s) of the pupil have signed a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self-administration of medication by the pupil and that the parent(s) or legal guardian(s) shall indemnify and hold harmless the school district, the Board, and its employees or agents against any claims arising out of the self-administration of medication by the pupil

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5330/page 6 of 9

Administration of Medication

4. The parent's and/or legal guardian's written authorization and the physician's written certification shall be reviewed by the Building Principal or designee with the school nurse and the school physician. The school nurse and the school physician must agree the pupil is capable of self-administration of the medication. If it is determined the pupil may self-administer medication in accordance with the request:
  - a. The request will be signed by the Principal and given to the school nurse and the pupil's parent(s) or legal guardian(s),
  - b. The parent(s) or legal guardian(s) will be informed of the reason for a denied request; a denied request may be appealed to the Superintendent,
5. Permission to self-administer one medication shall not be construed as permission to self-administer other medication; and
6. Permission shall be effective on the school year for which it is granted and shall be renewed for each subsequent school year upon fulfillment of the requirements in 1. through 4. above.

### E. Custodianship of Medication

1. Medications to be administered by the school nurse or a registered nurse:
  - a. All medications must be delivered to the school by the parent(s) or legal guardian(s).
  - b. All medications must be in the original container, with the prescription information affixed.
  - c. The school nurse shall be custodian of pupils' medication, which will be properly secured.
  - d. Any unused medication must be picked up by the pupil's parent(s) or legal guardian(s).



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5330/page 7 of 9

Administration of Medication

- e. After reasonable efforts to have the parent(s) or legal guardian(s) retrieve the medication have failed, any unused medication that remains in the school at the end of the school year or two school weeks after the pupil stops taking the medication, whichever first occurs, must be destroyed or discarded by the school nurse, in accordance with proper medical controls.

### 2. Medications to be self-administered by a pupil:

- a. Time being of the essence in cases of asthma, other potentially life threatening illness, or a life-threatening allergic reaction, all medications to be self-administered by a pupil must be kept in the pupil's possession.
- b. No pupil may possess medication for self-administration unless the proper permission has been granted by the Principal and a record of the medication is on file in the office of the school nurse.
- c. Pupils who are permitted to self-administer medications must secure their medication in such a manner that the medication will not be available to other pupils. The medication must be in a sealed container and clearly labeled with the medication name, dosage, and ordering physician. The medication, if ingested by someone other than the pupil, shall not cause severe illness or death.
- d. Pupils who are permitted to self-administer medications shall only have in their possession the quantity of medication necessary for the time period of the pupil's school day.
- e. Notwithstanding any other law or regulation, a pupil who is permitted to self-administer medication in accordance with the provisions of N.J.S.A. 18A:40-12.3 shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, at all times, provided the pupil does not endanger himself or other persons through misuse.

### F. Administration of Medication

- 1. No medication shall be administered to or taken by a pupil in school or at a school-sponsored event except as permitted by Board policy and this regulation.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

### PUPILS

R 5330/page 8 of 9  
Administration of Medication

2. Medication will only be administered to pupils in school by the school physician, a certified or noncertified school nurse, a substitute school nurse employed by the district, a pupil who is approved to self-administer in accordance with N.J.S.A. 18A:40-12.3 and 12.4, and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6.
3. When practicable, self-administration of medication should be observed by the school nurse.
4. Pupils self-administering medication shall report each administration of medication and any side effects to a teacher, coach, or the individual in charge of the pupil during school activities. Such individuals shall report all administrations and any side effects reported or observed to the school nurse within twenty-four hours.
5. When a pupil attends a school-sponsored event at which medication may be required (such as an outdoor field trip or athletic competition) and the school nurse cannot be in attendance, the pupil's parent(s) or legal guardian(s) will be invited to attend. If neither the school nurse nor the parent(s) or legal guardian(s) can attend and the pupil does not have permission to self-administer medication and there is a risk that the pupil may suffer injury from lack of medication, the pupil may be excused from the event.

#### G. Emergencies

Any medical emergency requiring medication of pupils will be handled in accordance with Policy No. 8441 and implementing regulations on first aid and, as appropriate, the school physician's standing orders for school nurses. Arrangements will be made to transport a pupil to a hospital emergency room after the administration of epinephrine in accordance with N.J.S.A. 18A:40-12.5.e.(3).

#### H. Records

The school nurse shall include the following in a pupil's health record:

1. The approved written request for the administration or self-administration of medication;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5330/page 9 of 9

Administration of Medication

2. A record of each instance of the administration of the medication by the school nurse or a registered nurse;
3. A record of reports by teachers, coaches, and other individuals in charge of school activities who report pupil self-administration of medication;
4. Any side effects that resulted from the administration of medication; and
5. Whether the supply of medication provided in cases where the medication is to be administered by the school nurse or a registered nurse was exhausted or the parent(s) or legal guardian(s) removed the medication or, if the parent(s) or legal guardian(s) failed to remove the medication, the medication was destroyed and the date on which that occurred.

### I. Notification

1. The school nurse may provide the Principal and other teaching staff members concerned with the pupil's educational progress with information about the medication and administration when such release of information is in the pupil's best educational interest.
2. The school nurse will provide teachers, coaches, and other individuals in charge of school activities with a list of pupils who have been given permission to self-administer medication.
3. The school nurse will inform the pupil's parent(s) or legal guardian(s) of any difficulty in the administration of medication or any side effects.
4. The school nurse will report to the school physician any pupil who appears to be adversely affected by the medication.

Issued: 15 January 2008

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE (M)

#### R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE (M)

##### A. Definitions

1. “Opioid antidote” means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. “Opioid antidote” includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.
2. “Opioid overdose” means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.
3. “School-sponsored function” means any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized or supported by the school.
  - a. The requirements of N.J.S.A. 18A:40-12.23 through 12.27 only apply to school-sponsored functions that take place in the school or on school grounds adjacent to the school building.

##### B. Acquisition, Maintenance, Accessibility, and Documentation of an Opioid Antidote

1. In accordance with N.J.S.A. 24:6J-4(a)(1)(f) and N.J.S.A. 24:6J-4(a)(2)(c), the school physician may prescribe or dispense an opioid antidote through a standing order to the school district, school, or certified school nurse for administration to overdose victims. The school physician’s standing order must specify, at a minimum, the following:
  - a. The certified school nurse is authorized to directly administer the opioid antidote to overdose victims in the event of an emergency; and
  - b. The school district, school or certified school nurse may also dispense or grant access, in emergency situations, to other persons employed by the district or school who have certified to having received training in the administration of the opioid antidote and overdose prevention information.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

### R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE (M)

2. The school nurse in each school that includes any of the grades designated by the Board in Policy 5330.04 shall obtain a standing order for opioid antidotes pursuant to the “Overdose Prevention Act” – N.J.S.A. 24:6J-1 et seq.
    - a. Written standing orders shall be reviewed and reissued before the beginning of the school year in accordance with N.J.A.C. 6A:16-2.3(a)4(vi).
  3. The school nurse shall be responsible to:
    - a. Maintain a supply of opioid antidotes that have been prescribed under a standing order in a safe and secure, but unlocked and easily accessible location in the school:
      - (1) The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building.
    - b. Document the administration of an opioid antidote on a student’s health record;
    - c. Monitor the on-site inventory and replacement of the opioid antidote supply;
    - d. Ensure the replacement of the opioid antidote supply following use or expiration of the opioid antidote; and
    - e. Plan for the disposal of administered opioid antidote and expired opioid antidote applicators.
  4. Opioid antidotes shall be maintained by a school pursuant to N.J.S.A. 18A:40-12.24.b.(1) in quantities and types deemed adequate by the Board, in consultation with the New Jersey Department of Education (NJDOE) and the Department of Human Services.
  5. The Superintendent or designee may, in his/her discretion, make an opioid antidote accessible during designated school-sponsored functions that take place off school grounds pursuant to N.J.S.A. 18A:40-12.24.b.(2).
- C. Authorization and Training for Administering an Opioid Antidote
1. The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE (M)

2. However, the Board upon the recommendation of the Superintendent shall designate additional employees who volunteer to administer an opioid antidote in the event that a person experiences an opioid overdose when the nurse is not physically present at the scene whenever possible.
  - a. The district shall provide in writing to the school nurse and each employee designated by the Board written approval to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1). Each written approval shall be kept on file in the school nurse's office.
  - b. The district shall notify all school staff members of the identity of each employee approved and designated by the Board to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1)
3. The school nurse and designated employees shall only be authorized to administer opioid antidotes after receiving the training required under N.J.S.A. 18A:40-12.25.band N.J.S.A. 24:6J-5.
  - a. Each certified school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall receive training on standard protocols from the school physician issuing the standing order or through a written agreement by the school physician with an organization that addresses medical or social issues related to drug addiction.

The training must address overdose prevention information, including but not limited to, the following:

    - (1) Information on opioid overdose prevention and recognition;
    - (2) Instruction on how to perform rescue breathing and resuscitation;
    - (3) Information on opioid dosage and instruction on opioid antidote administration;
    - (4) Information describing the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and
    - (5) Instructions for appropriate care of an overdose victim after administration of the opioid antidote.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE (M)

- b. The district shall collect and maintain written evidence of satisfactory completion of the required training program before a certified school nurse or an employee is approved to administer opioid antidote.
  - 4. In the event a licensed athletic trainer volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.23 through 12.27, it shall not constitute a violation of the “Athletic Training Licensure Act” – N.J.S.A. 45:9-37.35 et seq.
- D. Administration of an Opioid Antidote
- 1. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be authorized to administer an opioid antidote to any person whom the nurse or trained employee in good faith believes is experiencing an opioid overdose.
    - a. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.
    - b. Upon receiving a report or observing a possible opioid overdose in the school or at a school-sponsored function that takes place in a school or on school grounds adjacent to the school building at any time, the Principal or designee or any staff member present will immediately call the school nurse, if present, or a designated staff member who volunteered and was trained to administer an opioid antidote, and emergency medical responders.
    - c. School-Sponsored Functions Off School Grounds: Upon receiving a report or observing a possible opioid overdose occurring at a school-sponsored function that takes place off school grounds, as designated by the Superintendent or designee, a staff member shall immediately call the school nurse, if present, or a staff member who volunteered and was trained to administer an opioid antidote, if present, and emergency medical responders.
  - 2. The certified school nurse or employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall determine, in addition to the opioid antidote, whether any other emergency medical response is necessary, including but not limited to, cardiopulmonary resuscitation (CPR), Rescue Breaths, or the use of an automated external defibrillator (AED).

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

### R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE (M)

3. The certified school nurse and/or other staff member(s) shall monitor the person who has received an opioid antidote and keep the individual who may be experiencing an opioid overdose comfortable until emergency medical responders arrive on the scene.
4. An individual shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved. A student transported to the hospital shall be transported in accordance with the Board's Policy required in treating alcohol or other drug-affected students pursuant to N.J.A.C. 16-4.1(c)5.
5. The Principal or designee shall notify the Superintendent or designee whenever an opioid antidote is administered.
6. The Principal or designee shall notify, as soon as practical, the parent of any student or a family member or other contact person for a staff member who may be experiencing an opioid overdose or has been administered an opioid antidote.
7. Nothing in Regulation 5330.04 shall be interpreted to prohibit the administration of an opioid antidote to a student, staff member, or other person in an emergency during school hours or during on-site school-sponsored activities by an emergency medical responder or other person authorized by law to administer an opioid antidote, in accordance with N.J.S.A. 24:6J-1 et seq.

#### E. Use of Controlled Dangerous Substances

1. Any student or staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of any applicable statutes and administrative codes and Board Policies and Regulations prohibiting the use of a controlled dangerous substance.

#### F. Limitation of Liability

1. Pursuant to N.J.S.A. 24:6J-4, the school district, school physician, certified school nurse, and other approved designees shall not, as a result of any acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote.
2. Any person or entity authorized under N.J.S.A. 18A:40-12.23 through 12.28 to administer an opioid antidote, may administer to an overdose victim with full immunity:
  - a. A single dose of any type of FDA approved opioid antidote for use in treatment of opioid overdoses; and



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE (M)

- b. Up to three doses of an intramuscular auto injector or an intranasal application of opioid antidote, as needed to revive the overdose victim.

Adopted: 01 September 2020

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5331/page 1 of 10  
Management of Life-Threatening  
Allergies in Schools  
**M**

### R 5331 MANAGEMENT OF LIFE-THREATENING ALLERGIES IN SCHOOLS

#### A. Definitions

1. Anaphylaxis - A serious allergic reaction that is rapid in onset and may cause death.
2. Epinephrine (adrenaline) - A drug that can be successfully utilized to counteract anaphylaxis.
3. Food Allergy - A group of disorders characterized by immunologic responses to specific food proteins. In the United States, the most likely common allergens in adults and children are cow's milk, eggs, peanuts, wheat, soy, fish, shellfish, and nuts.
4. Individualized Emergency Healthcare Plan (IEHP) - A personalized healthcare plan written by the certified school nurse that specifies the delivery of accommodations and services needed by a pupil in the event of an emergency.
5. Individualized Healthcare Plan (IHP) - A plan written by the certified school nurse that details accommodations and/or nursing services to be provided to a pupil because of the pupil's medical condition based on medical orders written by a health care provider in the pupil's medical home.
6. School-Sponsored Function - Any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

#### B. Policy and Regulation Development

1. Policy and Regulation 5331 address different allergens, varying ages and maturity levels of pupils, and the physical properties and organizational structures of schools in this school district. The components below were critical in developing Policy and Regulation 5331.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5331/page 2 of 10

### Management of Life-Threatening Allergies in Schools

2. Policy and Regulation 5331 address different allergens, varying ages and maturity levels of pupils, and the physical properties and organizational structures of schools in this school district. The components below were critical in developing Policy and Regulation 5331.
  - a. The school district nursing staff, in consultation with the school physician, if needed:
    - (1) Assessed the overall health needs of the pupil population at risk for anaphylaxis, particularly pupils with food allergies; and
    - (2) Assessed current and relevant policies and/or protocols regarding the care of pupils with life-threatening allergies and identified areas in need of development or improvement.
3. Policy and Regulation 5331 were developed using a multidisciplinary team that included various school district administrators, teachers, and support staff members.
4. Additional factors need to be regarded at the secondary school level in order to provide the best care for food-allergic teens. The multidisciplinary team should consider the factors below when developing Policy and Regulation 5331 as it pertains to food-allergic teens.
  - a. Pupils move to different classrooms, frequently in larger buildings and campuses, presenting needs for updated avoidance strategies, epinephrine availability, and designated assistance.
  - b. Pupils may have open lunch periods and accompany friends to local eateries.
  - c. Pupils may have access to vending machines.
  - d. Certain classes give rise to new avoidance issues, e.g., chemistry/biology labs, home economics/culinary class, etc.
  - e. The number of off-site school-sponsored functions increases, e.g., travel, sometimes to other States and foreign countries; athletic games and competitions, sometimes in other towns; dances; etc.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5331/page 3 of 10

Management of Life-Threatening  
Allergies in Schools

- f. Risk-taking behaviors frequently accompany the independence of adolescent years.
- g. N.J.S.A. 18A:40-12.6 provides for a delegate for the emergency administration of epinephrine even when a pupil is able to self-administer life-saving medication. Although teenage pupils will more than likely be permitted to carry and self-administer emergency medications, those pupils are not to be expected to have complete responsibility for the administration of epinephrine. A severe allergic reaction can completely incapacitate a pupil and inhibit the ability to self-administer emergency medication. Therefore, the school nurse or volunteer delegate shall be available during school and school-sponsored functions to administer epinephrine in an emergency in accordance with the provisions of N.J.S.A. 18A:40-12.5.e.(2).

- 5. The Principal and/or the school nurse will educate staff and the community regarding Policy and Regulation 5331; obtain feedback on the implementation and effectiveness of the Policy and Regulation; and annually review, evaluate, and update the Policy and Regulation, as needed or required by law.

### C. Prevention Measures

#### 1. Considerations for the Cafeteria

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the cafeteria environment as safe as possible for food-allergic pupils. This process includes making determinations about serving foods with known allergens and identifying steps that can be taken to reduce the chance of accidental exposure. The steps may include:

- a. Training to food service personnel on food label reading and safe handling, as well as safe meal substitutions for food-allergic children.
- b. Educating cafeteria staff and monitors about food-allergy management and make them aware of the pupils who have life-threatening food allergies.
- c. Developing and implementing standard procedures for cleaning tables, chairs, and trays, particularly those designated as allergen-safe, after lunch periods using dedicated and disposable supplies to avoid cross contact.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5331/page 4 of 10  
Management of Life-Threatening  
Allergies in Schools

- d. When possible, sharing ingredient/allergen information for food provided by the school to pupils and parent(s) or legal guardian(s).
- e. Making allergen-safe table(s) an available option for allergic pupils.
- f. Considering allergen-full table(s) (i.e., all those eating peanut butter sit together).
- g. Discouraging pupils from sharing or trading food/snack items, drinks, straws, or utensils.
- h. Encouraging pupils to wash hands before and after eating.
- i. Considering the benefits and ramifications of serving and/or removing allergen-containing foods or removing a particular food item from the school menu.
- j. Making accommodations in the event a pupil cannot be in direct proximity to certain allergens that are being cooked/boiled/steamed.

### 2. Considerations for the Classroom

Provisions will be made to develop safeguards for the protection of food-allergic pupils in the classroom. The school nurse will work with the classroom teacher(s) so the teacher understands and is able to initiate the pupil's IEHP, as necessary.

- a. If possible, consider prohibiting the use or consumption of allergen-containing foods in the classroom.
- b. Conduct training for teachers, aides, volunteers, substitutes, and pupils about food allergies.
- c. Develop and implement a procedure that will alert substitute teachers to the presence of any pupils with food allergies and any accompanying instructions.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5331/page 5 of 10

Management of Life-Threatening  
Allergies in Schools

- d. Develop and implement a letter to parent(s) or legal guardian(s) of classmates of the food-allergic pupil (without identifying the pupil), particularly in lower grades, explaining any prohibitions on food in the classroom.
- e. Discourage the use of food allergens for classroom projects/activities, classroom celebrations, etc.
- f. Encourage the use of non-food items for all classroom events/activities, as a way to avoid the potential presence of major food allergens.
- g. Notify parent(s) or legal guardian(s) of classroom celebrations that involve food with particular attention to notification of parent(s) or legal guardian(s) of food-allergic children.
- h. Encourage pupils to wash hands before and after eating.
- i. Develop and implement standard procedures for cleaning desks, tables, and the general classroom area.

### 3. General Considerations for the School Environment

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the school environment as safe as possible for the food-allergic pupil to include:

- a. Developing and implementing cleaning procedures for common areas (i.e., libraries, computer labs, music and art rooms, hallways, etc.).
- b. Developing and implementing guidelines for food fundraisers (i.e. bake sales, candy sales, etc.) that are held on school grounds.
- c. Avoiding the use of food products as displays or components of displays in hallways.
- d. Developing protocols for appropriate cleaning methods following events held at the school, which involve food.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5331/page 6 of 10

Management of Life-Threatening

### 4. Field Trips and Other School Functions

N.J.S.A. 18A:40-12.6 requires a nurse or delegate to be available during school and school-sponsored functions in the event of anaphylaxis. Pupils with food allergies should participate in all school activities and will not be excluded based on their condition. The appropriate school staff member(s) should:

- a. Communicate (with parent(s) or legal guardian(s) permission) relevant aspects of the IEHP to staff, as appropriate, for field trips, school-sponsored functions, and before- and after-school programs.
- b. Encourage long-term planning of field trips in order to ensure that food-allergic pupils receive needed services while away from school.
- c. Evaluate appropriateness of trips when considering the needs of pupils e.g., a trip to a dairy farm should not be scheduled for a class with a milk-allergic pupil.
- d. Encourage, but do not require, parent(s) or legal guardian(s) of food-allergic pupils to accompany their child on school trips.
- e. Implement the district's procedure for the emergency administration of medications.
- f. Implement the district's procedure for emergency staff communications on field trips.
- g. Inform parent(s) or legal guardian(s), when possible, of school events at which food will be served or used.

### 5. Bus Transportation

The district administrative staff and transportation personnel will consider the needs of pupils with life-threatening allergies while being transported to and from school and to school-sponsored activities. The appropriate school staff member(s) should:

- a. Advise bus drivers of the pupils that have food allergies, symptoms associated with food-allergic reactions, and how to respond appropriately.
- b. Assess the emergency communications systems on buses.
- c. Consider assigned bus seating i.e., pupils with food allergies can sit at the front of the bus or can be paired with a "bus buddy."

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5331/page 7 of 10

Management of Life-Threatening  
Allergies in Schools

- d. Assess existing policies regarding food on buses.

### 6. Preparing for an Emergency

The Principal and school nurse will establish emergency protocols and procedures in advance of an emergency. These protocols and procedures should:

- a. Provide training for school personnel about life-threatening allergic conditions.
- b. Create a list of volunteer delegates trained by the nurse in the administration of epinephrine, and disseminate the list appropriately.
- c. Ensure that epinephrine is quickly and readily accessible in the event of an emergency. If appropriate, maintain a backup supply of the medication.
- d. Coordinate with local EMS on emergency response in the event of anaphylaxis.
- e. Consider conducting anaphylaxis drills as part of the district or school-wide emergency response plan.
- f. Ensure access to epinephrine and allergy-free foods when developing plans for fire drills, lockdowns, etc.
- g. Ensure that reliable communication devices are available in the event of an emergency.
- h. Adhere to *Occupational Safety and Health Administration* (OSHA) and Universal Precautions Guidelines for disposal of epinephrine auto-injectors after use.

### 7. Sensitivity and Bullying

A food-allergic pupil may become victim to threats of bullying related to his/her condition. N.J.A.C. 6A:16-7.9 requires each Board of Education to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, including on a school bus or at a school-sponsored function, pursuant to N.J.S.A. 18A:37-15. The appropriate school staff member(s) should:

- a. Remind pupils and staff that bullying or teasing food-allergic pupils will not be tolerated and violators should be disciplined appropriately.



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5331/page 8 of 10

### Management of Life-Threatening Allergies in Schools

- b. Offer professional development for faculty and staff regarding confidentiality to prevent open discussion about the health of specific pupils.
- c. Discourage needless labeling of food-allergic pupils in front of others. A food-allergic pupil should not be referred to as “the peanut kid,” “the bee kid” or any other name related to the pupil’s condition.

#### D. Roles and Responsibilities for Managing Food Allergies

The risk of accidental exposure to foods can be reduced in the school setting if schools, pupils, parent(s) or legal guardian(s), and physicians work together to minimize risks of exposure to allergens and provide a safe educational environment for food-allergic pupils.

##### 1. Family’s Role

- a. Notify the school of the pupil’s allergies.
- b. Work with the school team to develop a plan that accommodates the pupil’s needs throughout the school, including the classroom, the cafeteria, after-care programs, during school-sponsored activities, and on the school bus, as well as an IEHP.
- c. Provide written medical documentation, instructions, and medications as directed by a physician, using the Food Allergy Action Plan as a guide. Include a photo of the child on written form.
- d. Provide properly labeled medications and promptly replace medications after use or upon expiration.
- e. Educate the child in the self-management of their food allergy including: safe and unsafe foods; strategies for avoiding exposure to unsafe foods; symptoms of allergic reactions; how and when to tell an adult they may be having an allergy-related problem; and how to read food labels (age appropriate).
- f. Review policies and procedures with the school staff, the child’s physician, and the child (if age appropriate) after a reaction has occurred.
- g. Provide current emergency contact information and update regularly.

##### 2. School’s Role

- a. Review the health records submitted by parent(s) or legal guardian(s) and physicians.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5331/page 9 of 10  
Management of Life-Threatening  
Allergies in Schools

- b. Identify a core team including the school nurse, teacher, Principal, and school food service and nutrition manager/director to work with parent(s) or legal guardian(s) and the pupil (age appropriate) to establish an IEHP. Changes to the IEHP that promote food allergy management should be made with core team participation.
- c. Assure that all staff who interact with the pupil on a regular basis understand food allergies, can recognize symptoms, know what to do in an emergency, and work with other school staff to eliminate the use of food allergens in the allergic pupil's meals, educational tools, arts and crafts projects, or incentives.
- d. Coordinate with the school nurse to ensure medications are appropriately stored and ensure an emergency kit is available that contains a physician's standing order for epinephrine. Epinephrine should be kept in a secure but unlocked location that is easily accessible to delegated school personnel.
- e. Pupils who are permitted to self-administer should be permitted to carry their own epinephrine in accordance with State regulations and district policy.
- f. Designate school personnel who volunteer to administer epinephrine in an emergency.
- g. Be prepared to handle a reaction and ensure there is a staff member available who is properly trained to administer medications during the school day, regardless of time or location.
- h. Review policies and prevention plans with the core team members, parent(s) or legal guardian(s), pupil (age appropriate), and physician after a reaction has occurred.
- i. Work with the transportation administrator to insure that school bus drivers receive training that includes symptom awareness and what to do if a reaction occurs and assess the means by which a bus driver can communicate during an emergency, including proper devices and equipment.
- j. Discuss field trips with the family of the food-allergic child to decide appropriate strategies for managing the food allergy.
- k. Follow Federal and/or State laws and regulations regarding sharing medical information about the pupil.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5331/page 10 of 10

Management of Life-Threatening  
Allergies in Schools

- l. Take threats or harassment against an allergic child seriously.
3. Pupil's Role
  - a. Pupils should not trade food with others.
  - b. Pupils should not eat anything with unknown ingredients or known to contain any allergens.
  - c. Pupils should be proactive in the care and management of their food allergies and reactions based on their developmental level.
  - d. Pupils should notify an adult immediately if they eat something they believe may contain the food to which they are allergic.

Issued: 10 March 2009

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

5338 / Page 1 of 4

DIABETES MANAGEMENT

**M**

### 5338 DIABETES MANAGEMENT

#### A. Definitions

1. "Individualized emergency health care plan" means a document developed by the school nurse, in consultation with the parent of a pupil with diabetes and other appropriate medical professionals, which is consistent with the recommendations of the pupil's health care provider(s) and which outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation and is signed by the parent and the school nurse.
2. "Individualized health care plan" means a document developed by the school nurse, in consultation with the parent of a pupil with diabetes and other appropriate medical professionals who may be providing diabetes care to the pupil, which is consistent with the recommendations of the pupil's health care provider(s) and which sets out the health services needed by the pupil at school and is signed by the parent and the school nurse.
3. "Parent" means parent or legal guardian.

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

1. The parent of a pupil with diabetes who seeks diabetes care for the pupil while at school shall inform the school nurse who shall develop an individualized health care plan and an individualized emergency health care plan for the pupil.
  - a. The parent of the pupil with diabetes shall annually provide to the Principal and the school nurse a signed written request and authorization for the provision of diabetes care as may be outlined in the individualized health care plan, which shall include authorization for the emergency administration of glucagon's and, if requested by the parent, authorization for the pupil's self-management and care of his/her diabetes; and
  - b. If such a request is made by a pupil's parent, the pupil's physician or advanced practice nurse must provide a signed written certification to the Principal and the school nurse that the pupil is capable of, and has been instructed in, the management and care of his/her diabetes.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

5338 / Page 2 of 4

DIABETES MANAGEMENT

**M**

2. The individualized health care plan and individualized emergency health care plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event that there is a change in the health status of the pupil.
3. Each individualized health care plan shall include, and each individualized emergency health care plan may include, the following information:
  - a. The symptoms of hypoglycemia for that particular pupil and the recommended treatment;
  - b. The frequency of blood glucose testing;
  - c. Written orders from the pupil's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;
  - d. Times of meals and snacks and indications for additional snacks or exercise;
  - e. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular pupil;
  - f. Accommodations for school trips, after-school activities, class parties, and other school-related activities;
  - g. Education of all school personnel who may come in contact with the pupil about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;
  - h. Medical and treatment issues that may affect the educational process of the pupil with diabetes; and
  - i. How to maintain communications with the pupil, the pupil's parent and health care team, the school nurse, and the educational staff.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

5338 / Page 3 of 4

DIABETES MANAGEMENT

**M**

4. The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of pupils with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan.

### C. Authorized Employees for Administration of Glucagon

1. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a pupil with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the Superintendent of Schools or designee, additional employees of the school district who volunteer to administer glucagon to a pupil with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.
2. In accordance with the provisions of N.J.S.A. 18A:40-12.14, the activities described in C.1. above shall not constitute the practice of nursing and shall be exempted from all applicable statutory or regulatory provisions that restrict the activities that may be delegated to a person who is not a licensed health care professional.
3. In accordance with the provisions of N.J.S.A. 18A:40-12.14, if a licensed athletic trainer volunteers to administer glucagon to a pupil with diabetes as described in C.1. above, it shall not constitute a violation of the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.).

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

1. Upon the written request and authorization from the parent submitted to the Principal and school nurse and as provided in the pupil's individualized health care plan, the school district shall allow the pupil to manage and care for his/her diabetes as needed in the classroom, in any area of the school or school grounds, or at any school-related activity provided the pupil has been evaluated and determined to be capable of doing so as reflected in the pupil's individualized health care plan. The pupil's management and care of his/her diabetes shall include the following:

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

5338 / Page 4 of 4

DIABETES MANAGEMENT

**M**

- a. Performing blood glucose level checks;
- b. Administering insulin through the insulin delivery system the pupil uses;
- c. Treating hypoglycemia and hyperglycemia;
- d. Possessing on the pupil's person at any time the supplies or equipment necessary to monitor and care for the pupil's diabetes;
- e. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individualized health care plan; and
- f. Otherwise attending to the management and care of the pupil's diabetes.

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

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

### F. Immunity From Liability

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

### G. Possession of Syringes

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

Issued: 27 April 2010

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

Pupils

R 5410/pg. 1 of 2

Promotion and Retentions

### R 5410 PROMOTION AND RETENTION

The following rules are promulgated in accordance with the policy of the Board of Education dealing with the promotion and retention of pupils.

#### A. Standards for Pupil Promotion

Elementary and Intermediate Grades (PreK-8) - A pupil will be promoted to the next succeeding grade level when he/she demonstrates the proficiencies required for movement into the next grade.

#### B. Procedures for Pupil Promotion

1. A written copy of promotion standards will be given to all parent(s) or legal guardian(s) and pupils at the beginning of each year.
2. Parent(s) or legal guardian(s) and pupils will be provided a minimum of four reports each year as to a pupil's progress towards meeting promotion standards.
3. Teachers who determine that a pupil's progress may not be sufficient to meet promotion standards shall notify the parent(s) or legal guardian(s) of the pupil and offer consultation with the parents or legal guardians.
4. In grades PreK-8, the parent(s) or legal guardian(s) and where appropriate the pupil will be notified no later than three weeks prior to the end of the year when the possibility of a pupil not being promoted is determined.
5. A pupil with fewer than 150 days' attendance in grades PreK-8 may not be promoted to the next grade level.
6. Extenuating circumstances as determined by the Building Principal can waive the 150-day attendance requirements for grades PreK-8.
7. Classroom teachers shall provide input to the Principal who makes the final decision concerning the promotion or retention of each pupil.



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5410/page 2 of 2  
Promotion and Retention

### C. Procedure for Retention or Social Promotion

1. Grades PreK-8 - Classroom teachers must initiate the process by providing to the Building Principal complete forms in accordance with the specified timelines.
2. The Principal will review each case and in consultation with the teacher render a final decision.
3. Parent(s) or legal guardian(s) and adult pupils may appeal a promotion/retention decision to the Superintendent whose decision is final.

Adopted: 15 January 2008

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5420/page 1 of 3  
Reporting Pupil Progress  
M

### R 5420 REPORTING PUPIL PROGRESS

#### A. Purpose

The purpose of reporting the educational progress of pupils is to:

1. Inform parent(s) or legal guardian(s) of the progress children have made in school;
2. Apprise pupils of their progress in school;
3. Prompt teachers to make periodic, formal assessments of each pupil's progress;
4. Provide a cumulative record of a pupil's progress through the educational system; and
5. Enable each pupil to gain a positive sense of his/her intellectual, social, emotional, and physical abilities and growth toward effective citizenship.

#### B. Frequency

1. Report cards will be issued four times per year.
2. The schedule of dates on which report cards will be issued, will be published in the parent and pupil handbooks distributed by each school so that parents or legal guardians can anticipate the receipt of a report card.
3. Parent(s) or legal guardian(s) and pupils will be notified in writing of the possibility of a failing grade at the midpoint of the marking period.
4. Parent(s) or legal guardian(s) and pupils will be notified in writing of the possibility of a pupil's retention at grade level in accordance with Policy No. 5410.
5. Nothing in this regulation should discourage teachers from implementing various forms of communication, as frequently as the circumstances dictate, to keep parent(s) or legal guardian(s) informed of the educational progress of their children.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5420/page 2 of 3  
Reporting Pupil Progress

## C. Report Card Form

1. Grades will be determined in accordance with Regulation No. 2624.
2. At the elementary level, report cards will report individual academic, personal, and social growth as well as work and study habits.
3. At the middle school level, report cards will record pupil achievement in academic subjects, as well as the pupil's personal growth and development.
4. Report cards at all levels will record the pupil's absences and tardiness.
5. Report card forms will include space for the classroom or homeroom teacher's personal comments on the pupil's personal growth and development.
6. Report card forms will include space for the parent(s) or legal guardian(s) signature, comments, and request for a conference with the teacher.

## D. Distribution and Return

1. Report cards will be sent home with pupils.
  - a. The report card of a pupil who is absent on the day report cards are issued may be held and sent home with the pupil on the following school day.
  - b. The report card of a pupil who is absent for an extended period of time will be mailed to the parent(s) or legal guardian(s).
2. Report cards must be signed by the pupil's parent(s) or legal guardian(s) and returned within two school days of the date on which they were issued.
3. Teachers will maintain a check list to determine which report cards, if any, have not been returned within the allotted time. If a report card is overdue, the teacher will call the parent(s) or legal guardian(s).

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5420/page 3 of 3  
Reporting Pupil Progress

### E. Report Card Form

1. Grades will be determined in accordance with Regulation No. 2624.
2. At the elementary level, report cards will report individual academic, personal, and social growth as well as work and study habits.
3. At the middle school level, report cards will record pupil achievement in academic subjects, as well as the pupil's personal growth and development.
4. Report cards at all levels will record the pupil's absences and tardiness.
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6. Report card forms will include space for the parent(s) or legal guardian(s) signature, comments, and request for a conference with the teacher.

### F. Distribution and Return

1. Report cards will be sent home with pupils.
  - a. The report card of a pupil who is absent on the day report cards are issued may be held and sent home with the pupil on the following school day.
  - b. The report card of a pupil who is absent for an extended period of time will be mailed to the parent(s) or legal guardian(s).
2. Report cards must be signed by the pupil's parent(s) or legal guardian(s) and returned within two school days of the date on which they were issued.
3. Teachers will maintain a check list to determine which report cards, if any, have not been returned within the allotted time. If a report card is overdue, the teacher will call the parent(s) or legal guardian(s).

### G. Parent Teacher Conferences

Parent teacher conferences will be conducted in accordance with Policy No. 9280.

Issued: 15 January 2008

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5500/page 1 of 3  
Expectations for Pupil Conduct

## R 5500 EXPECTATIONS FOR PUPIL CONDUCT

The following specific behaviors exemplify the conduct expected of pupils, in accordance with Policy No. 5500.

- A. Pupils will prepare themselves mentally and physically for the process of learning by:
  - 1. Being well-nourished, rested, clean, and properly dressed and groomed;
  - 2. Being free of drugs and alcohol and refraining from smoking; and
  - 3. Developing attitudes that will prepare them for listening, participating, and learning.
- B. Pupils will respect the person, property, and intellectual and creative products of others by:
  - 1. Being always honest, forthcoming, and courteous;
  - 2. Displaying care for the property of others;
  - 3. Acknowledging the intellectual work of others when it is incorporated into their work;
  - 4. Accepting the rights of others to their own opinions and beliefs;
  - 5. Resolving disputes and differences peacefully;
  - 6. Displaying loyalty and good sportsmanship; and
  - 7. Helping to maintain school facilities that are neat and clean.
- C. Pupils will take responsibility for their own behavior and learning by:
  - 1. Recognizing that academic endeavor is the primary purpose of school attendance;
  - 2. Completing all homework, classwork, and assigned projects on time;
  - 3. Preparing for each class by bringing necessary supplies and equipment;
  - 4. Making personal choices that are based on sound reasoning and decision-making;
  - 5. Accepting constructive criticism; and
  - 6. Acknowledging and accepting the consequences of their own actions.
- D. Pupils will use time and other resources responsibly by:
  - 1. Attending school regularly and promptly and striving for a perfect attendance record;
  - 2. Using study periods and library time for school work; and

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5500/page 2 of 3  
Expectations for Pupil Conduct

3. Using books and other equipment appropriately.
- E. Pupils will share responsibilities when working with others by:
1. Cooperating with others in the work of the group;
  2. Contributing talents and services as appropriate;
  3. Accepting leadership when appropriate; and
  4. Respecting the rights and opinions of others in a group setting.
- F. Pupils will meet the requirements of each course of study by:
1. Participating actively and appropriately in the scheduled class;
  2. Following the rules and procedures established for the class by the teacher;
  3. Bringing to class the textbook, clothing, and other materials necessary for participation; and
  4. Observing school rules for the safe handling of class equipment and materials.
- G. Pupils will monitor their own progress toward school objectives by:
1. Carefully planning courses of study and schedules;
  2. Promptly seeking staff assistance as required; and
  3. Maintaining records of progress.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5500/page 3 of 3  
Expectations for Pupil Conduct

- H. Pupils will communicate with parent(s) or legal guardian(s) and appropriate school staff members about school matters by:
1. Discussing progress in school with parent(s) or legal guardian(s) and relaying necessary information to parent(s) or legal guardian(s);
  2. Transmitting school letters, forms, and notices to parent(s) or legal guardian(s) and returning required responses to school staff members;
  3. Conferring with appropriate staff members when a problem occurs; and
  4. Developing with parent(s) or legal guardian(s) a clear idea of their educational goals.

Issued: 15 January 2008

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

PROPERTY

R: 5513 CARE OF SCHOOL  
PROPERTY (M) Page 1 of 3

### 5513 CARE OF SCHOOL PROPERTY (M)

#### A. Teaching Staff Member Responsibilities

1. Teaching staff members will impress upon all students the importance of the proper care of school property and instruct students in the proper use of school facilities, equipment, instructional materials, and textbooks.
2. Teaching staff members will keep an accurate inventory of textbooks and other materials in their classrooms.

#### B. General Rules Governing the Use of School Property

1. Students shall not deface the school building, furnishings, or equipment in any manner.
2. Students shall not use school furnishings or equipment for purposes other than those for which the furnishing or equipment was designed and intended.
3. Students will care for school textbooks in accordance with D. below.

#### C. Distribution and Collection of Textbooks and Materials

1. Textbooks will be identified as the property of the Board of Education.
2. A label shall be affixed to each textbook and will include:
  - a. The name of the Board of Education and
  - b. The name of the school.
3. The following information will also be entered on the label or documented in another manner each time the book is issued to a student:
  - a. The name of the student to whom the book is issued,
  - b. The date on which the book is issued to the student,
  - c. The condition of the book when it is issued, and
  - d. The condition of the book when it is returned.



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

PROPERTY

R: 5513 CARE OF SCHOOL  
PROPERTY (M) Page 2 of 3

4. Each classroom teacher will keep a permanent record of the textbooks used in their classroom. The record will include all the information listed in C.2. and C.3. above.
5. A lost textbook must be promptly reported to the teaching staff member who issued the book. A replacement textbook will be issued to the student as soon as possible.
6. Textbooks will be collected and inspected before the end of the school year or marking period, as appropriate. Once inspected, a textbook will be returned to inventory until it is again distributed to a student.
7. Students must remove covers, loose papers, and markings before returning any textbook.
8. Fines may be assessed for lost and damaged textbooks in accordance with a schedule as approved by the Superintendent or designee.

### D. Care of Textbooks by Students

1. Students shall take care not to lose or misplace a textbook or expose a textbook to conditions or circumstances likely to destroy, damage, or degrade it.
2. All textbooks that will be taken home by students must be protected with an appropriate cover to be supplied by the student.
3. Students should not:
  - a. Use pens, pencils, or other implements to mark a place in a textbook;
  - b. Use a textbook to file bulky papers and notes;
  - c. Write in textbooks; or
  - d. Soil textbooks beyond normal use.

### E. Fines and Penalties

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

PROPERTY

R: 5513 CARE OF SCHOOL

PROPERTY (M) Page 3 of 3

1. The teaching staff member will inspect each textbook returned and may assess a fine for lost or damaged books. The teacher will prepare a report to be submitted to the Principal or designee that includes:
  - a. The name and number of the textbook damaged or lost;
  - b. The name of the student that lost or damaged a textbook;
  - c. The loss or extent of damage to the textbook; and
  - d. The amount of the fine assessed, if any.
2. In setting fines the teaching staff member may take into account verified extenuating circumstances.
3. Teaching staff members will not collect fines. Textbook fines shall be submitted to the Principal or designee.
4. A student who finds their lost textbook, after being assessed and paying a fine, will be reimbursed any fine paid for the lost textbook but may be assessed a fine for any damage done to the book.
5. The Board of Education may withhold a diploma, transcript, or report card until the fine has been paid.

Adopted: October 18, 2022

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5519/page 1 of 7  
Dating Violence at School  
M

## R 5519 DATING VIOLENCE AT SCHOOL

### A. Definitions

1. “At school” means in a classroom, or anywhere on school property, school bus or school-related vehicle, at an official bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.
2. “Dating partner” means any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.
3. “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.

### B. Procedures for Reporting Acts or Incidents of Dating Violence

1. School staff members (administrative staff, instructional staff, support staff, and volunteers) shall take all reasonable measures to prevent acts or incidents of teen dating violence and are required to report all acts or incidents of dating violence at school.
2. All acts or incidents of dating violence at school shall be reported to the Principal or designee.
  - a. This report should be made verbally as soon as possible, but no later than the end of the pupil’s school day when the staff member witnesses or learns of an act or incident of dating violence at school.
  - b. A written report regarding the act or incident of dating violence at school should be submitted to the Principal or designee by the reporting staff member no later than one day after the staff member witnesses or learns of an act or incident of dating violence at school.
3. These acts or incidents may include, but are not limited to:
  - a. Witnessed or receipt of reliable information concerning acts or incidents that are characterized by physical, emotional, verbal, or sexual abuse;
  - b. Digital or electronic acts or incidents of dating violence; and/or
  - c. Patterns of behavior which are threatening or controlling.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5519/page 2 of 7  
Dating Violence at School

## C. Guidelines/Protocols for Responding to At-School Acts or Incidents of Dating Violence

1. Protocol for All School Staff Members - Any school staff member who witnesses or learns of an act or incident of dating violence at school shall take the following steps:
  - a. Separate the victim from the aggressor;
  - b. Speak with the victim and the aggressor separately;
  - c. Speak with witnesses or bystanders separately;
  - d. Verbally report the act or incident to the Principal or designee no later than the end of the pupil's school day;
  - e. Prepare and submit a written report of the act or incident to the Principal or designee no later than one day after the act or incident occurred; and
  - f. Monitor the interactions of the victim and the aggressor with pupil safety being the priority.
2. Protocol for Administrators/Administrative Investigation – The Principal or designee upon receiving a report of a dating violence act or incident at school shall take the following steps:
  - a. Separate the victim from the aggressor, if applicable;
  - b. Meet separately with the victim and the alleged aggressor;
  - c. Take written statements from the victim and alleged aggressor;
  - d. Review the victim's and alleged aggressor's written statements to ascertain an understanding of the act or incident. The administrator may ask questions of either individual for clarification;
  - e. Further investigate the act or incident by speaking with bystanders/witnesses of the act or incident. All statements obtained from bystanders/witnesses shall be written and documented, when possible;
  - f. The school administrator may make a determination to involve the school resource officer or law enforcement, if appropriate;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5519/page 3 of 7

Dating Violence at School

- g. Appropriate referrals should be made if after an assessment by a school social worker, counselor, or psychologist determines the victim's or alleged aggressor's mental health has been placed at risk;
  - h. The Principal or designee shall contact the parents/guardians of both the victim and the alleged aggressor. The Principal or designee shall recommend a meeting be held to discuss the act or incident; and
  - i. The Principal or designee will notify both parties in writing of the outcome/determination of the investigation into the act or incident of dating violence at school.
- 3. Protocol for Working with the Victim of an Act or Incident of Dating Violence at School – The Principal or designee shall implement the following procedures for dealing with victims of a confirmed act or incident of dating violence at school:
  - a. A pupil's safety shall be the first priority in a dating violence act or incident. Interaction between the victim and the aggressor shall be avoided. The burden of any schedule changes (classroom, bus, etc.) should be taken on by the aggressor;
  - b. A conference shall be held with the victim and their parents/guardians;
  - c. Identify any means or actions that should be taken to increase the victim's safety and ability to learn in a safe and civil school environment;
  - d. Alert the victim and their parents/guardians of school and community based resources that may be appropriate, including their right to file charges, if the act or incident violated the law;
  - e. Monitor the victim's safety as needed and assist the victim with any plans needed for the school day and after-school hours (hallway safety, coordination with parents/guardians for transportation to and from school, etc.). The administration may develop a safety plan if deemed necessary;
  - f. The administration may develop a Stay-Away Agreement between the victim and the aggressor if deemed necessary;
  - g. Encourage the victim to self-report any and all further acts or incidents of dating violence that occur at school in writing to the Principal or designee; and
  - h. Document all meetings and action plans that are discussed.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5519/page 4 of 7  
Dating Violence at School

4. Protocol for Working with the Aggressor of an Act or Incident of Dating Violence at School – The Principal or designee shall implement the following procedures for dealing with the aggressor of a confirmed act or incident of dating violence at school:
  - a. Schedule a conference with the aggressor and their parents/guardians;
  - b. Give the aggressor the opportunity to respond in a written statement to the allegations and the outcome/determination of an act or incident of dating violence at school;
  - c. Alert the aggressor and their parents/guardians to both school and community-based support and counseling resources that are available;
  - d. Identify and implement counseling, intervention, and disciplinary methods that are consistent with school policy for acts or incidents of this nature;
  - e. Review the seriousness of any type of retaliation (verbal, emotional, physical, sexual, electronic/digital) toward the victim who reported the act or incident of dating violence. Address that consequences will be issued consistent with the school's pupil code of conduct and procedures for any type of retaliation or intimidation toward the victim; and
  - f. Document all meetings and action plans that are discussed.
5. Protocol for the Documentation and Reporting of an Act or Incident of Dating Violence at School - School districts shall implement the following procedures for documenting and reporting acts or incidents of dating violence that occur at school:
  - a. Dating violence statements and investigations shall be kept in files separate from pupil academic and discipline records to prevent the inadvertent disclosure of confidential information.
  - b. Every act or incident of dating violence at school that is reported shall be documented in an appropriate manner. This documentation shall include all written statements, planning actions, consequences, and disciplinary measures as well as counseling and other support resources that were offered, prescribed, and/or provided to the victim or the aggressor.

### D. Discipline Procedures Specific to at School Acts or Incidents of Dating Violence

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5519/page 5 of 7

Dating Violence at School

1. The Board of Education requires its school administrators to implement discipline and remedial procedures to address acts or incidents of dating violence at school that are consistent with the school's pupil code of conduct.
2. The policies and procedures specific to acts or incidents of dating violence at school should be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved.
3. The responses shall be tiered with consideration given to the seriousness and number of previous occurrences of acts or incidents in which both the victim and alleged aggressor have been involved.
4. Consequences may include, but are not limited to, the following:
  - a. Admonishment;
  - b. Temporary removal from the classroom;
  - c. Classroom or administrative detention;
  - d. In-school suspension;
  - e. Out-of-school suspension;
  - f. Reports to law enforcement; and
  - g. Expulsion.
5. Retaliation toward the victim of any act or incident of dating violence shall be considered when administering consequences to the aggressor based on the severity of the act or incident.
6. Remedial procedures/interventions may include, but are not limited to, the following:
  - a. Parent conferences;
  - b. Pupil counseling (all pupils involved in the act or incident);
  - c. Peer support group;
  - d. Corrective instruction or other relevant learning or service experiences;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5519/page 6 of 7  
Dating Violence at School

- e. Supportive pupil intervention (Intervention and Referral Services - I&RS);
- f. Behavioral management plan; and
- g. Alternative placements.

### E. Warning Signs of Dating Violence

1. A pattern of behaviors may be an important sign that a pupil is involved in an unhealthy or abusive dating relationship. Many warning signs make a connection to one pupil in the relationship asserting control and power over the other. Recognizing one or more signs of teen dating violence plays an important role in preventing, educating, and intervening in acts or incidents of dating violence.
2. The warning signs listed below are to educate the school community on the characteristics a pupil in an unhealthy or abusive relationship might exhibit. Warning signs may include, but are not limited to, the following:
  - a. Name-calling and putdowns - Does one pupil in the relationship use name-calling or putdowns to belittle or intimidate the other pupil?
  - b. Extreme jealousy - Does one pupil in the relationship appear jealous when the other talks with peers?
  - c. Making excuses - Does one pupil in the relationship make excuses for the other?
  - d. Canceling or changing plans - Does one pupil cancel plans often, and at the last minute? Do the reasons make sense or sound untrue?
  - e. Monitoring - Does one pupil call, text, or check up on the other pupil constantly? Does one pupil demand to know the other's whereabouts or plans?
  - f. Uncontrolled anger – Does one of the pupils in the relationship lose his or her temper or throw and break things in anger?
  - g. Isolation - Has one pupil in the relationship given up spending time with family and friends? Has the pupil stopped participating in activities that were once very important?



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5519/page 7 of 7

Dating Violence at School

- h. Dramatic changes - Has the appearance of the pupil in the relationships changed? Has the pupil in the relationship lost or gained weight? Does the pupil seem depressed?
  - i. Injuries - Does the pupil in the relationship have unexplained injuries? Does the pupil give explanations that seem untrue?
  - j. Quick Progression - Did the pupil's relationship get serious very quickly?
- F. The Principal or designee will provide to the parents/guardians of a victim or aggressor information on safe, appropriate school, family, peer, and community resources available to address dating violence.

Adopted: January 19, 2012

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 1 of 15  
Substance Abuse  
M

### R 5530 SUBSTANCE ABUSE (M)

The following procedures are established in implementation of Policy 5530, Substance Abuse.

#### A. Definitions

1. "Evaluation" means procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the student or the student's family.
2. "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).
3. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
4. "Referral for evaluation" means programs and services suggested to a student or his or her family in order to make a positive determination regarding a student's need for services that extend beyond the general school program.
5. "Referral for treatment" means programs and services suggested to a student or to his or her family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.
6. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School grounds" also include other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 2 of 15  
Substance Abuse  
M

“School grounds” also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration as defined in N.J.A.C. 6A:26-1.2.

7. “Substance” as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages, controlled dangerous substances, including anabolic steroids as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
8. “Substance abuse” means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.
9. “Under the influence” of substances means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

### B. Discipline

1. Any violation of Board rules prohibiting the use, possession, and/or distribution of a substance is a serious offense, and the student who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Students who violate the substance abuse rules will be disciplined as follows:
  - a. First offense: 10 Days Out of School Suspension and 10 points on disciplinary point system.
  - b. Second offense: 10 Days Out of School Suspension and 10 points on the disciplinary point system and a disciplinary hearing with the Board of Education.
  - c. Third offense: Expulsion and placement in an alternative educational setting.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 3 of 15  
Substance Abuse  
M

2. In accordance with N.J.A.C. 6A:16-4.1(c), the following disciplinary action will be taken in the event the student does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:

- a. First offense: 10 Days Out of School Suspension and 10 points on disciplinary point system.
- b. Second offense: 10 Days Out of School Suspension and 10 points on the disciplinary point system and a disciplinary hearing with the Board of Education.
- c. Third offense: Expulsion and placement in an alternate educational setting

### C. Intervention, Referral for Evaluation, and Referral for Treatment Services

1. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.
  - a. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.
  - b. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:
    - (1) Provisions for a program of instruction, counseling, and related services provided by the district Board of Education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;
    - (2) Referral to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 4 of 15  
Substance Abuse  
M

- (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or
- (4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.

### D. Reporting, Notification, and Examination Procedures

#### 1. Students Suspected of Using Anabolic Steroids – N.J.A.C. 6A:16-4.3(b)

- a. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the Principal or, in the Principal's absence, to a person designated by the Principal and either the certified or non-certified school nurse, the school physician, or the student assistance coordinator.
- b. In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement, the Principal or designee shall immediately notify the student's parent and the Superintendent. The Principal or designee shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.
  - (1) If the physician chosen by the parent is not available to perform the examination, the examination shall be conducted by the school physician or other physician identified by the Principal.
  - (2) The student shall be examined as soon as possible for the purpose of determining whether the student has been using anabolic steroids.
- c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5530/page 5 of 15  
Substance Abuse  
M

- (1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.
  - d. The examining physician shall provide to the parent, Principal, and Superintendent a written report of the examination.
  - e. If it is determined the student has used anabolic steroids, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.
    - (1) To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.
  - f. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, the school staff member(s) identified in D.1.e. above who is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.
2. Students Suspected of Being Under the Influence of Alcohol or Other Drugs Other Than Anabolic Steroids – N.J.A.C. 6A:16-4.3(a)

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 6 of 15  
Substance Abuse  
M

- a. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the Principal or, in his or her absence, to his or her designee and either the certified school nurse, non-certified school nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.
  - (1) In instances where the Principal and either the certified school nurse, non-certified school nurse, school physician or the student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.
  - (2) The referring staff member shall file with the Principal a report describing the incident. The form shall include all information necessary for a complete, accurate reporting on the Electronic Violence and Vandalism Reporting System (EVVRS) according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.
- b. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the Principal or designee shall:
  - (1) Immediately notify the student's parent and the Superintendent or designee;
  - (2) Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids; and
  - (3) Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.
- c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 7 of 15  
Substance Abuse  
M

- (1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
- d. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.
  - (1) The parent will be provided, in writing, the minimum requirements for the immediate medical examination, which will include, but not be limited to, the substances to be tested by the physician, the cut-off levels of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.
  - (2) The examination shall be at the expense of the parent and not the district Board of Education.
- e. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.
  - (1) If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the Principal to the emergency room of the nearest hospital for examination.
  - (2) The student's parent, if available, shall also accompany the student.
  - (3) When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district Board of Education.
- f. The Board of Education will have a plan in place for the appropriate supervision of the student:



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 8 of 15  
Substance Abuse  
M

- (1) While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or the physician in an emergency room; and
  - (2) Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.
- g. A written report of the medical examination of the student shall be furnished to the student's parent, the Principal, and the Superintendent of Schools by the examining physician within twenty-four hours of the referral of the student for suspected alcohol or other drug use.
  - (1) The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report. The minimum requirements for the examination will be periodically reviewed and updated as needed.
  - (2) The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
- h. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the school district will require the parent to verify within twenty-four hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with this Policy.
  - (1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided.
  - (2) Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.3(d).

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5530/page 9 of 15  
Substance Abuse  
M

- i. If the written report of the medical examination is not submitted to the parent, Principal, and Superintendent within twenty-four hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.
- j. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student will be immediately returned to school.
- k. If there is a positive determination from the medical examination, indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
  - (1) The student will be returned as soon as possible to the care of the parent;
  - (2) Attendance at school shall not resume until a written report has been submitted to the parent, the Principal, and Superintendent from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school.
    - (a) The report shall verify that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.
  - (3) Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.
- l. While the student is home because of the medical examination or after the student returns to school, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall:

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT M

PUPILS  
R 5530/page 10 of 15  
Substance Abuse

- (1) Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.
    - (a) The findings of the assessment alone shall not prevent a student from attending school; and
  - (2) Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral, and continuity of care for alcohol or other drug abuse treatment.
- m. While the student is at home because of the medical examination or after his or her return to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
  - (1) The findings of these additional evaluations alone shall not be used to prevent a student from attending school.
- n. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5530/page 11 of 15  
Substance Abuse  
M

## E. Handling of Alcohol or Other Drugs

1. A student's person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools.
2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.
  - a. The Principal or designee shall immediately notify the Superintendent or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
  - b. In accordance with the provisions of N.J.A.C. 6A:16-6.4(a), the school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.
  - c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:
    - (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
    - (2) The identity of the student believed to have been in possession of the substance or paraphernalia.
  - d. The Principal or designee shall not disclose the identity of a student who voluntarily and on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee, provided there is reason to believe the student was involved with the alcohol, other drug, or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student agrees to participate in an appropriate treatment or counseling program.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 12 of 15  
Substance Abuse  
M

- (1) For the purposes of N.J.A.C. 6A:16-6.4, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

### F. Reporting Students to Law Enforcement Agencies

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.
2. Either the Principal or the responsible staff member shall notify the Superintendent, who in turn shall notify as soon as possible the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
3. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the student involved.
4. The Superintendent or designee; however, shall not disclose the identity of a student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.
5. For the purpose of N.J.A.C. 6A:16-6.3, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5530/page 13 of 15  
Substance Abuse  
M

6. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids. The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
7. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and N.J.A.C. 6A:16-4.3(b)3i and N.J.A.C. 6A:16-4.3(a)4, was obtained as a result of the district Board of Education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

### G. Parent Training Program/Outreach Programs

1. A substance abuse training program will be offered to the parents of students enrolled in the district. The program will be offered at times and places convenient to parents and on school premises or in other suitable facilities.
2. The program shall, at a minimum, provide:
  - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year, with recommendations as to the ways in which the parent may enhance, reinforce, and supplement that program;
  - b. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
  - c. Instruction to assist the parent in the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuse;

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5530/page 14 of 15  
Substance Abuse  
M

- d. Information on the State, local, and community organizations which are available for the prevention, early intervention, treatment, and rehabilitation of individuals who show symptoms of substance abuse; and
  - e. A review of the Board Policy and Regulation on substance abuse with attention to the role of parents.
3. The Board will establish an outreach program to provide substance abuse education for the parents of students in the district. In establishing the program, the Board shall consult with such local organizations and agencies as are recommended by the Commissioner. The Board shall insure the program is offered at times and places convenient to the parents of the district on school premises, or at other suitable facilities.
- a. In addition to the substance abuse education program required pursuant to N.J.S.A. 18A:40A-17, the Board shall provide assistance to parents who believe that their child may be involved in substance abuse.

## H. Records and Confidentiality of Records

- 1. Notations concerning a student's involvement with substances may be entered on his/her records, subject to N.J.A.C. 6A:32-7.1 et seq. and Policy 8330.
- 2. Information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.
- 3. If a student involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session which indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
  - a. Subject to the student's written consent, to another person or entity whom the student specifies in writing in the case of a secondary student, or to a member of the student's immediate family or the appropriate school personnel in the case of an elementary student;
  - b. Pursuant to a court order;

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5530/page 15 of 15  
Substance Abuse

**M**

- c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the student or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or
- d. To the Division of Child Protection and Permanency (DCP&P) or to a law enforcement agency, if the information would cause a person to reasonably suspect that the student or another child may be an abused or neglected child in accordance with statute or administrative code.

Any disclosure made pursuant to H.3.a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the student's written consent. The disclosure must be accompanied by a written statement from the Superintendent or designee advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by N.J.S.A. 18A:40A-7.1 et seq. and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this Policy or Regulation prevents the DCP&P or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy or Regulation shall be construed as authorizing the violation of any Federal law.

The prohibition on the disclosure of information provided by a student shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a student in violation of this Policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

- 4. Each incident of substance abuse shall be reported to the Commissioner on the Electronic Violence and Vandalism Reporting System (EVVRS).

Issued: January 11, 2017



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5330.01 ADMINISTRATION OF MEDICAL CANNABIS

Page | 1 of 6

### R 5330.01 ADMINISTRATION OF MEDICAL CANNABIS

A custodial parent or person having legal custody of a student requesting the administration of medical cannabis to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

#### A. Definitions

For the purposes of Policy and Regulation 5330.01:

1. “Cannabis” has the meaning given to marijuana in Section 2 of the “New Jersey Controlled Dangerous Substances Act,” N.J.S.A. 24:21-2.
2. “Commission” means the Cannabis Regulatory Commission established pursuant to N.J.S.A. 24:6I-24.
3. “Designated caregiver(s)” means a resident of New Jersey who:
  - a. Is at least eighteen years old;
  - b. Has agreed to assist with a registered qualifying student patient’s medical use of cannabis, is not currently serving as a designated caregiver(s) for more than one other qualifying patient, and is not the qualifying student patient’s health care practitioner;
  - c. Is subject to the provisions of N.J.S.A. 24:6I-4.c.(2), has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of N.J.S.A. 24:6I-1 et seq. and was for a violation of Federal law related to possession or sale of cannabis that is authorized under N.J.S.A. 24:6I-1 et seq. or N.J.S.A. 18A:40-12.22 et seq.;
  - d. Has registered with the Commission pursuant to N.J.S.A. 24:6I-4 and, except in the case of a designated caregiver(s) who is an immediate family member of the qualified student patient, has satisfied the criminal history background check requirement of N.J.S.A. 24:6I-4; and

- e. Has been designated as designated caregiver(s) by the qualifying student patient when registering or renewing a registration with the Commission or in other written notification to the Commission.
- 4. “Health Care Practitioner” means a physician, advanced practice nurse, or physician assistant licensed or certified pursuant to N.J.S.A. 45 who:
  - a. Possesses active registrations to prescribe controlled dangerous substances issued by the United States Drug Enforcement Administration and the Division of Consumer Affairs in the Department of Law and Public Safety;
  - b. Is the health care practitioner responsible for the ongoing treatment of a qualifying student patient’s qualifying medical condition, the symptoms of that condition, or the symptoms associated with the treatment of that condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a patient to use medical cannabis or consultations solely for that purpose; and
  - c. If the qualifying student patient is a minor, a pediatric specialist.
- 5. “Medical use of cannabis” means the acquisition, possession, transport, or use of cannabis or paraphernalia by a registered qualifying student patient as authorized by N.J.S.A. 24:6I-1 et seq. and N.J.S.A. 18A:40-12.22 et seq.
- 6. “Parent” means the custodial parent or person who has legal custody of a qualifying student patient who may also be the designated caregiver(s) registered with the Commission by the New Jersey Department of Health to administer medical cannabis to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.
- 7. “Qualifying student patient” for the purpose of Policy and Regulation 5330.01 means a resident of the State who is a student enrolled and attending school in this school district who has been authorized for the medical use of cannabis by a health care practitioner in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-41 et seq.
- 8. “Registration with the Commission” means a person has met the qualification requirements for, and has been registered by the Commission as, a registered qualifying patient, designated caregiver(s), or institutional caregiver(s). The Commission shall establish appropriate means for health care practitioners, health care facilities, medical cannabis dispensaries, law enforcement, schools, facilities providing behavioral health

services or services for persons with developmental disabilities, and other appropriate entities to verify an individual's status as a registrant with the Commission.

**B. Registration – Qualifying Student Patient and Designated Caregiver(s)**

1. A qualifying student patient must be authorized to engage in the medical use of cannabis and the designated caregiver(s) must be authorized to assist the qualifying student patient with the medical use of cannabis pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.
2. A qualifying student patient and their designated caregiver(s) must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the Commission.
3. The qualifying student patient's parent shall be responsible to immediately inform the Principal of any change in the status of the student's registration with the Commission that would deem the registration with the Commission null and void due to any reason outlined in N.J.S.A. 24:6I-1 et seq.
4. The qualifying student patient's designated caregiver(s) shall be responsible to immediately inform the Principal of any change in the status of any designated caregiver(s)'s current registration with the Commission that would deem the registration with the Commission null and void due to any reason outlined in N.J.S.A. 24:6I-1 et seq.

**C. Submission for Authorization for Administration of Medical Cannabis**

1. A parent of a qualifying student patient requesting the administration of medical cannabis to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with proof of current registration with the Commission for the qualifying student patient and the designated caregiver(s) and a copy of the health care provider's order or prescription indicating dosage information and the method of administration for the medical cannabis to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

The Principal may request the parent provide additional documentation from the health care provider that the medical cannabis must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical cannabis cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5330.01 ADMINISTRATION OF MEDICAL CANNABIS

Page | 4 of 6

- a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.
  2. The Principal shall review the proof of current registration with the Commission and supporting documentation submitted by the parent with the school physician, the school nurse, and the Superintendent of Schools.
  3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or designated caregiver(s), if the parent is not the designated caregiver(s), in writing with the following information:
    - a. The location (school, office, etc.) where the designated caregiver(s) shall report to administer the medical cannabis;
    - b. The school staff member(s) who the designated caregiver(s) must see to coordinate the administration of medical cannabis;
    - c. The time the designated caregiver(s) shall report to administer the medical cannabis;
    - d. The specific location where the medical cannabis shall be administered to the student; and
    - e. A copy of Policy and Regulation 5330.01 – Administration of Medical Cannabis.
  4. In the event the Principal, after consultation with the school nurse, school physician, and Superintendent, has a question or concern regarding the current registration with the Commission or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.
  5. The administration of medical cannabis on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.
- D. Administration of Medical Cannabis

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION STUDENTS

### R 5330.01 ADMINISTRATION OF MEDICAL CANNABIS

Page | 5 of 6

1. Medical cannabis shall only be administered by the designated caregiver(s) and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.
2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical cannabis cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.
3. Prescribed medical cannabis must always be in the possession of the designated caregiver(s) and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.
4. The Principal, after consultation with the school nurse, school physician, and the Superintendent, will determine a specific location for the administration of the medical cannabis to the qualifying student patient.
  - a. The Principal will designate a private area, if possible, for the designated caregiver(s) to administer the medical cannabis to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.
5. The designated caregiver(s) shall report to the approved location prior to the scheduled time for the administration of medical cannabis to the qualifying student patient. The designated caregiver(s) must show proof of current registration with the Commission and a second form of identification which shall be a photograph identification.
6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the designated caregiver(s) to the qualifying student patient at the designated time to the designated location for the administration.
7. The Principal may designate a school staff member to observe the administration of the medical cannabis on school grounds, aboard a school bus, or at a school-sponsored event.
8. The designated caregiver(s) shall assist in the administration of medical cannabis to the qualifying student patient in accordance with the method and dosage prescribed by the health care practitioner and included in the parent's request to the Principal.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5330.01 ADMINISTRATION OF MEDICAL CANNABIS

Page | 6 of 6

9. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.
10. The designated caregiver(s) will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.
  - a. The qualifying student patient and/or designated caregiver(s) may be asked to remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.
11. The designated caregiver(s) shall be responsible for the security of the medical cannabis on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical cannabis in their possession except during the administration process by the designated caregiver(s).

Adopted: March 16, 2021

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5533 STUDENT SMOKING

Page 1 of 2

### R 5533 STUDENT SMOKING

The Board of Education is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education. The school administration and all school staff members shall strictly enforce this smoking prohibition and will work together to ensure students do not smoke in violation of Board Policy 5533 and the law.

#### A. Notice Provisions

1. A sign shall be posted in every school building indicating smoking is prohibited in any school building or on school grounds. The sign shall also indicate violators will be subject to a fine.
2. Each school's student handbook will indicate smoking is prohibited on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education.
3. A public address announcement will be made, when practicable, at school-sponsored events indicating smoking is prohibited in school buildings and on school grounds.

#### B. Reporting Procedures

1. Any teaching staff member who observes a student smoking in violation of Policy 5533 shall inform the student to cease smoking and report the violation to the Principal or designee.
2. Any support staff member who observes a student smoking in violation of Policy 5533 shall either inform a teaching staff member, who shall report the violation to the Principal or designee or the support staff member may report the violation directly to the Principal or designee.
3. The Principal or designee will investigate each report received from a staff member and make a determination whether the student has violated Board Policy 5533.

#### C. Violation Consequences

1. In the event the Principal or designee determines a student has violated Policy 5533, the student will be assigned appropriate discipline in accordance with the school's student discipline/code of conduct.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5533 STUDENT SMOKING

Page **2** of **2**

2. The Principal or designee will notify the student's parent(s) or legal guardian(s) when discipline is being imposed for a violation of Policy 5533.

Issued: 15 August 2017



# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5350 STUDENT SUICIDE PREVENTION (M)

### R 5350 STUDENT SUICIDE PREVENTION (M)

#### **M**

The following are guidelines to assist school district staff members in recognizing the warning signs of a student who may be contemplating suicide, to respond to a threat or attempted suicide, and to prevent contagion when a student commits suicide.

#### **A. Recognition of Warning Signs of Suicide**

All school district staff members shall be alert to any warning signs a student may be contemplating suicide. Such warning signs may include, but are not limited to, a student's:

1. Overt suggestion, regardless of its context, that he/she is considering or has considered suicide or has worked out the details of a suicide attempt;
2. Self-mutilation;
3. Obsession with death or afterlife;
4. Possession of a weapon or possession of other means of suicide or obsession with such means;
5. Sense of hopelessness or unrelieved sadness;
6. Lethargy or despondency, or, conversely, a tendency to become more impulsive or aggressive than usual;
7. Drop in academic achievement, slacking off of energy and effort, or inability to focus on studies;
8. Isolation from others by loss of friends, withdrawal from friends, lack of companionship, or family disintegration;
9. Preoccupation with nonexistent physical illness;
10. Loss of weight, appetite, and/or sleep;
11. Substance abuse;

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5350 STUDENT SUICIDE PREVENTION (M)

12. Volatile mood swings or sudden changes in personality;
13. Prior suicide attempt(s);
14. Anxiety or eating disorder;
15. Involvement in an unhealthy, destructive, or abusive relationship; and
16. Depression due to being a victim/target of harassment, intimidation, bullying, or mistreatment by others.

### B. Response to the Warning Signs of Suicide

1. Any indication of suicide, whether personally witnessed or received by a report from another, shall be taken seriously and immediately reported to the Principal or designee. Upon receiving such report, the Principal will ensure the student is supervised by a school staff member until a preliminary assessment of the risk is determined.
2. The Principal or designee shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) that the student will be referred to the Child Study Team or a Suicide Intervention Team for a preliminary assessment in accordance with C. below.
3. If the threat of suicide is immediate and serious, the Principal will contact local law enforcement and the Superintendent of Schools.

### C. Preliminary Assessment and Recommendation(s)

1. The Principal or designee will designate the Child Study Team or the Suicide Intervention Team to immediately meet with the student to complete a preliminary assessment.
2. The Child Study Team or Suicide Intervention Team will make a recommendation(s), based on the preliminary assessment, to the Principal or designee regarding the student's risk of suicide.
3. Upon receiving the recommendation(s), the Principal or designee will immediately meet with the parent(s) to review the findings of the preliminary assessment. Based on the recommendation(s) of the Child Study Team or Suicide Intervention Team, the student may be:

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5350 STUDENT SUICIDE PREVENTION (M)

- a. Permitted to remain in school:
    - (1) If the student remains in school after the preliminary assessment, the Principal or designee will designate a school staff member to follow-up with the student on any recommendations of the Child Study Team or Suicide Intervention Team.
  - b. Referred to the Child Study Team for further evaluation;
  - c. Removed from the school and released to the parent(s) and will be required to obtain medical or psychiatric services before the student may return to school:
    - (1) The parent(s) will be required to submit to the Superintendent a written medical clearance from a licensed medical professional selected by the parent(s) and acceptable to the Superintendent, indicating the student has received medical services, does not present a risk to himself/herself or others, and is cleared to return to school. The Superintendent will not act unreasonably in withholding approval of the medical professional selected by the parent(s). The written medical clearance may be reviewed by a Board of Education healthcare professional before the student is permitted to return to school.
    - (2) The parent(s) shall be required to authorize their healthcare professional(s) to release the student's relevant medical information to the school district's healthcare professional, if requested.
  - d. Required to comply with the recommendation(s) outlined in C.3.a., b., and/or c. above, and/or any other recommendation(s) of the Principal or designee to ensure the student's safety and the safety of others.
4. In the event the parent(s) objects to the recommendation(s) or indicates an unwillingness to cooperate with the school district regarding their child, the Principal or designee will contact the New Jersey Department of Children and Families, Division of Child Protection and Permanency to request intervention on the student's behalf.
- D. Response to Attempted Suicide by a Student
- 1. Any school district staff member, volunteer, or intern with reasonable cause to suspect or believe a student has attempted suicide, shall immediately report the information to the Principal or designee or their immediate supervisor.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5350 STUDENT SUICIDE PREVENTION (M)

2. A Principal or designee or supervisor who receives a report of a student who has attempted suicide will immediately report it to the Superintendent or designee, who shall promptly report it online to the New Jersey Department of Children and Families, or as otherwise required by the Department of Children and Families.
  3. The school district staff member who witnesses a suicide attempt on school grounds, at a school sponsored event, or on a school bus shall immediately contact local law enforcement and emergency medical services, as appropriate.
- E. Response to Suicide Committed by a Student
1. Any school district staff member, volunteer, or intern with reasonable cause to suspect or believe a student has committed suicide, shall immediately report the information to the Principal or designee or their immediate supervisor.
  2. A Principal or designee or supervisor who receives a report that a student has committed suicide will immediately report it to the Superintendent or designee, who shall promptly report it online to the New Jersey Department of Children and Families, or as otherwise required by the Department of Children and Families.
  3. The Principal of the school the student attended will assemble school staff members as soon as possible, to provide school staff members information, plans for the school day, and guidelines for handling the concerns of students.
  4. The Principal of the school the student attended will use a School Crisis Team to assist school staff members in dealing with any issues that arise due to the situation and to assist students in the loss.
  5. The School Crisis Team will assist teachers in responding to the needs of students. Students who were close to the victim shall be offered special counseling services and parents will be notified of available community mental health services.
  6. School staff members shall be especially alert to warning signs of contemplated suicide among the victim's peers.
  7. All Principals in the school district will be promptly informed when a student enrolled in the district commits suicide. The district, with the approval of the Superintendent, may provide support and services to school staff members and students as needed.

# REGULATION

## ROCKAWAY BOROUGH BOARD OF EDUCATION

STUDENTS

R 5350 STUDENT SUICIDE PREVENTION (M)

8. The Principal of the school the student attended may, with the approval of the Superintendent, provide any additional support and services that will assist school staff members and students in the loss.

### F. Prevention of Suicide Contagion

1. School staff members, under the direction of the Principal or designee, shall attempt to prevent suicide contagion by:
  - a. Avoiding the glorification or romanticization of suicide;
  - b. Helping students recognize that suicide is irreversible and permanent and does not truly resolve problems;
  - c. Encouraging students to ask questions when a fellow student suggests suicide and report to a school staff member;
  - d. Discussing ways of handling depression and anxiety without resorting to self-destruction; and
  - e. Implementing any other strategies to prevent suicide contagion.

Issued: 17 July 2018

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5550/page 1 of 3  
Disaffected Pupils

### R 5550 DISAFFECTED PUPILS

#### A. Grades Kindergarten through 6

1. Each pupil's work habits, behavior, products, and records will be continually monitored for signs of disaffection by teaching staff members responsible for the pupil's instructional program. Such signs of disaffection might include, but need not be limited to, the pupil's:
  - a. Working below potential set by IQ indicators,
  - b. Depressed standard test scores,
  - c. Excessive absenteeism or truancy,
  - d. Change in personality or work habits,
  - e. Marked irritability, lassitude, or hypersensitivity.
2. The teacher or other professional staff member who observes signs that a pupil may be disaffected will confer with the Principal. If it is determined that concern about the pupil's welfare is warranted, the pupil's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the pupil's disabling attitude will be proposed.
3. Once a pupil is identified as disaffected, steps to offset the effects of disaffection may be initiated. Such steps may include:
  - a. A meeting with the learning disabilities teacher consultant to help teachers shape classroom strategies that might reduce disaffection,
  - b. Building on the pupil's strengths to help bolster his/her sense of self-worth,
  - c. Providing instructional alternatives to stimulate the pupil's interest by utilizing such devices as calculators, computers, educational games, and teaching machines,

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5550/page 2 of 3  
Disaffected Pupils

- d. Assigning the pupil to another teacher,
- e. Transferring the pupil to another school in the district, and/or
- f. Referring the pupil to the Child Study Team.

### B. Grades 7 and 8

1. A disaffected pupil in the middle school may be identified by one or more of the following signs:
  - a. Argumentative behavior and truculence,
  - b. Willful disregard of school rules and lack of concern for others,
  - c. Disrespect for authority figures,
  - d. Excessive absenteeism or truancy,
  - e. Acting-out and/or aggressive behavior, and
  - f. Working below his/her potential.
2. The teacher or other professional staff member who observes signs that a pupil may be disaffected will confer with the Principal. If it is determined that concern about the pupil's welfare is warranted, the pupil's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the pupil's disabling attitude will be proposed.
3. Once a pupil is identified as disaffected, the following steps will be taken:
  - a. The pupil will be referred to the school guidance office for counseling where:
    - (1) The parent(s) or legal guardian(s) may be asked to seek outside support services; and/or
    - (2) The teaching staff members responsible for the pupil may be asked to observe the pupil, formally monitor his/her progress, and report regularly to the guidance counselor.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS  
R 5550/page 3 of 3  
Disaffected Pupils

- b. The pupil's schedule may be modified as necessary,
- c. The learning disabilities teacher-consultant may be consulted, and
- d. The pupil may be referred to the Child Study Team.

Issued: 15 January 2008



# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5561/page 1 of 4  
Use of Physical Restraint  
Feb 11

## R 5561 USE OF PHYSICAL RESTRAINT

### A. Definitions

“Physical restraint” means holding a pupil or otherwise restricting his/her movements.

### B. Physical Restraint Limitations

Physical restraint shall only be used by a school staff member in an emergency situation with the following limitations:

1. Limited to the use of only the reasonable force needed;
2. Discontinued immediately when the emergency no longer exists;
3. Implemented in such a way as to protect the health and safety of the pupil and others; and
4. Not deprive the pupil of basic human necessities.

### C. Physical Restraint Training Requirements

The training requirements on the use of physical restraint shall be as follows:

1. Building level administrators and school staff members designated by the Principal likely to be confronted with the need to use physical restraint shall be trained on the use of physical restraint.
  - a. If, in the event of an emergency, a person(s) who has not received training uses physical restraint, training for the person(s) that used such restraint shall occur within thirty days of the incident.
2. Training must include techniques of prevention and de-escalation, as well as alternatives to physical restraint.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5561/page 2 of 4  
Use of Physical Restraint

3. Training must include current professionally accepted practices and standards regarding behavior management and use of physical restraint.

### D. Interventions

1. Classroom interventions may include, but not be limited to, the following strategies:
  - a. The staff member may ignore the behavior;
  - b. The staff member may redirect the pupil to a task with verbal or non-verbal prompts or gestures. Proximity helps, as may the use of gentle humor, when appropriate;
  - c. The staff member shall be clear, polite, and respectful when requesting the targeted behavior. The staff member may make eye contact and tell the pupil what to do such as “I can’t teach when you are talking, throwing things, ...” or “Please stop and listen, read, write, ...” The staff member should remind the pupil of consequences and rewards if they comply with the staff member’s request;
  - d. The staff member shall be polite at all times. The staff member may repeat steps a. through c. above and/or quietly give the pupil adequate wait time. Sometimes if the staff member moves on with the lesson the pupil may comply after the initial confrontation;
  - e. The staff member may advise the pupil to proceed to a time-out area in the classroom for a limited time (elementary and middle school); and
  - f. If classroom removal is required, the staff member shall follow school discipline procedures for notification and request for assistance if necessary.
2. Security interventions may include, but are not limited to, the staff member:
  - a. Standing quietly in the doorway and asking the pupil to accompany the staff member;
  - b. Informing the pupil of the violation of the school discipline code and procedure and assure the pupil they have the choice to leave the classroom quietly; and/or
  - c. Using a minimal and gentle hold on arm to remove the pupil.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5561/page 3 of 4  
Use of Physical Restraint

## E. Use of Physical Restraint

1. If the pupil's behavior reaches the level defined as an emergency, physical restraint may be needed.
2. If necessary, the staff member may utilize approved physical restraint, using the least amount of force necessary.
3. If necessary, the staff member shall restrain the pupil until the emergency no longer exists (i.e. the pupil stops punching, kicking, spitting, damaging property, etc.).
4. The staff member shall immediately contact the appropriate administrator and school nurse and complete a written report on the physical restraint the staff member used during the emergency situation.
5. If physical restraint is used, the Principal or designee shall attempt to notify the parent/legal guardian by telephone of the use of physical restraint on the day it occurs and written notification of the incident shall be mailed to the parent within one school day after the use of physical restraint.
6. Written documentation, including the Principal's or designee's report and any staff member's report regarding the incident and the use of physical restraint shall be placed in the pupil's school file.
7. The use of physical restraint is subject to the following requirements:
  - a. The pupil must possess a physical risk to him/herself, or others;
  - b. Physical restraint techniques shall consider the pupil's medical conditions and shall be modified as necessary;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5561/page 4 of 4  
Use of Physical Restraint

- c. Staff applying physical restraint shall have been trained in the safe application of physical restraint;
- d. Pupils will not be subjected to physical restraint for using profanity or other verbal displays or disrespect, or for non-compliance. A verbal threat will not be considered as constituting a physical danger unless a pupil also demonstrates a means of or intent to carry out the threat;
- e. In determining whether a pupil who is being physically restrained should be removed from the area where the restraint was initiated, the supervising staff should consider the potential for injury to the pupil, the pupil's need for privacy, and the educational and emotional well-being of the other pupils in the vicinity;
- f. A pupil shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the pupil is no longer in imminent danger of causing harm to him/herself, others, or imminent property destruction; and
- g. The pupil shall be examined by the school nurse after any restraint.

Issued: 11 August 2011

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5570/page 1 of 1  
Sportsmanship

## R 5570 SPORTSMANSHIP

Individuals who violate Policy No. 5570, Sportsmanship shall be subject to the following disciplinary actions to be imposed by the Principal or designee.

- A. Violations shall be dealt with in the following manner:
  - 1. First Offense - warning by the Principal or designee.
  - 2. Second Offense - short term suspension from the athletic or intramural program - duration to be determined by the Principal or designee, but not to exceed ten school days.
  - 3. Third Offense - long term suspension - up to one school year from the athletic or intramural program.
  - 4. Fourth Offense - permanent expulsion from participation in the athletic or intramural program by the Principal or designee.
- B. The determination of the Principal or designee may be appealed to the Superintendent who shall make a determination within ten working days.
- C. A determination by the Superintendent resulting in a long term suspension or expulsion from the athletic or intramural program may be appealed to the Board which may hold a hearing on the matter and render a determination of the matter within thirty calendar days.

Issued: 15 January 2008

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 1 of 15

Student Discipline/Code of Conduct R 5600

### STUDENT DISCIPLINE/CODE OF CONDUCT (M)

#### A. Purpose

The Student Code of Conduct and this Regulation are established to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of students;
2. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;
3. Promote achievement of high academic standards;
4. Prevent the occurrence of problem behaviors;
5. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.8, as appropriate.

#### B. Expectations for Academic Achievement, Behavior, and Attendance

All students have a responsibility to comply with State statutes and administrative codes for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 13.1.

#### C. Behaviors That May Result in Suspension or Expulsion

In accordance with the provisions of N.J.S.A. 18A:37-2, any student who is guilty of continued and willful disobedience, open defiance of the authority of any teacher or person having authority over the student, the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, any of the following:

1. Continued and willful disobedience;
2. Open defiance of the authority of any teacher or person, having authority over the student;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 2 of 15

Student Discipline/Code of Conduct R 5600

3. Conduct of such character as to constitute a continuing danger to the physical well-being of other students;
4. Physical assault upon another student;
5. Taking, or attempting to take, personal property or money from another student, or from the student's presence, by means of force or fear;
6. Willfully causing, or attempting to cause, substantial damage to school property;
7. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the Principal or other person then in charge of such building or facility;
8. Incitement which is intended to and does result in unauthorized occupation by any group of students or others of any part of a school or other facility owned by any school district;
9. Incitement which is intended to and does result in truancy by other students;
10. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and
11. Harassment, intimidation, or bullying.

Students shall also be suspended from school for assault upon a school staff member in accordance with the provisions of N.J.S.A. 18A:37-2.1 and 2.2.

### D. Students' Rights

Students subject to the consequences of the Student Discipline/Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;
2. Education that supports students' development into productive citizens;
3. Attendance in safe and secure school environments;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 3 of 15

Student Discipline/Code of Conduct R 5600

4. Attendance at school irrespective of students' marriage, pregnancy, or parenthood;
5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and N.J.A.C. 6A:16-7.2 through 7.5;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3 and N.J.A.C. 6A:16-7.1 through 7.8; and
7. Protections pursuant to 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Pupil Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by students, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Pupil records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records, as well as other existing Federal and State laws and rules pertaining to student protections.

### E. Comprehensive Behavioral Supports

Below are behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports may include, but are not limited to, the following:

#### 1. Positive Reinforcement for Good Conduct and Academic Success

A student will be provided positive reinforcement for good conduct and academic success which may include, but are not limited to:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 4 of 15

Student Discipline/Code of Conduct R 5600

### 2. Supportive Interventions and Referral Services

A student may be referred to the school's Intervention and Referral Services Team in accordance with the provisions of N.J.A.C. 6A:16-8.1 and 8.2 and Policy and Regulation 2417.

### 3. Remediation of Problem Behavior

The following actions may be taken to remediate problem behavior. These actions will take into account the behavior's nature, the students' developmental ages, and the students' histories of problem behaviors and performance.

#### a. Restitution and Restoration

- (1) A student may be required to make restitution for any loss resulting from the student's conduct; or
- (2) A student may be required, at the discretion of the school district and when appropriate, to restore to its former condition any damaged or defaced property resulting from the student's conduct.

#### b. Counseling

- (1) A student may be required to consult with school guidance counselors or Child Study Team members.
- (2) The counselor will explain why the student's conduct is unacceptable to the school and damaging to the student, what the consequences of continued misconduct are likely to be, and appropriate alternative behaviors.
- (3) The counselor may refer the student, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to the Child Study Team, the school's Intervention and Referral Services Team, a public or private social agency, a legal agency, or any other referral service that may assist the student.

#### c. Parent Conferences

- (1) Students may be required to attend a meeting with their parent and appropriate school staff members to discuss the causes of the student's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 5 of 15

Student Discipline/Code of Conduct R 5600

d. Alternate Educational Program

- (1) Students may be assigned to an alternate educational program as recommended by the student's guidance counselor, classroom teacher, Child Study Team, and/or other school staff member.

e. \_\_\_\_\_

f. \_\_\_\_\_

g. \_\_\_\_\_

h. \_\_\_\_\_

4. Students with Disabilities

For students with disabilities, the remedial measures and behavioral interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

F. School Responses to Violations of Behavioral Expectations

1. In accordance with the provisions of N.J.A.C. 6A:16-7.1(c)5, the Student Code of Conduct shall include a description of school responses to violations of behavioral expectations established by the Board of Education that, at a minimum are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behavior that shall:
- a. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
  - b. Be consistent with other responses, pursuant to N.J.A.C. 6A:16-5.5;
  - c. Provide for equitable application of the Code of Student Conduct without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil union; mental, physical, or sensory disability; or any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq. and
  - d. Be consistent with provisions of N.J.S.A. 18A:6-1, Corporal Punishment of Students.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5600/page 6 of 15  
Student Discipline/Code of Conduct R 5600

### G. Description of School Responses

School responses to violations of behavioral expectations are listed below:

1. Admonishment/Reprimand
  - a. A school staff member in authority may admonish or reprimand a student's unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty.
2. Temporary Removal from Classroom
  - a. The classroom teacher may direct the student report to the office of the administrator in charge of student discipline.
  - b. The teacher will complete a form that indicates the student's name and the conduct that has caused the student's removal from the teacher's room.
  - c. The administrator in charge of discipline will interview the student and determine which, if any, additional consequences shall be imposed.
3. Meeting with School Administration and Parent
  - a. The student's parent may be required to attend a meeting with the Principal or designee and the student to discuss the student's conduct and to ensure the parent and the student understand school rules and expectations.
4. Deprivation of Privileges
  - a. Students may be deprived privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment. These privileges may include, but are not limited to:
    - (1) Moving freely about the school building;
    - (2) Participation in co-curricular or inter/intrascholastic activities;
    - (3) Attendance at a school-related social or sports activity;
    - (4) Participation in a graduation ceremony;
    - (5) Transportation to and from school on a school bus; or

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 7 of 15

Student Discipline/Code of Conduct R 5600

- (6) Any other privilege the Building Principal or designee determines may be appropriate and consistent with Policy and Regulation 5600 and N.J.A.C. 6A:16-7.1 et seq.

### 5. Detention

- a. A student may be required to report before or after the school day to detention. This detention may be assigned by the teacher or the Principal or designee.
- b. Transportation to detention before school or from detention after school will be the responsibility of the parent.
- c. A student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

### 6. Grade Adjustment

- a. A student who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence may suffer a reduced grade by virtue of the disqualified work. In no other instance may a student's grade be lowered as a direct penalty for misconduct.

### 7. In-school Suspension

- a. If the school operates an in-school suspension program, a student may be removed from his/her regular classes and required to report to the in-school suspension program.
- b. In-school suspension will not be imposed without the due process procedures set forth in Policy and Regulation 5610.

### 8. Suspension from School

- a. A student may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2 and 6A:16-7.3, and Policy 5610.
- b. Suspension from school will not be imposed without the due process procedures set forth in Policy and Regulation 5610.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 8 of 15

Student Discipline/Code of Conduct R 5600

### 9. Expulsion

- a. The Board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.
- b. Expulsion is an extremely serious disciplinary measure and will not be imposed without the due process set forth in Policy and Regulation 5610 and Policy 5620.

### H. Chart of Discipline

#### **LEVEL ONE – Minor violation; consequences may be assigned by staff member**

##### **A) Violation of basic school rules**

**(Ex. Not prepared for class, possession of electronic devices, repeated chewing gum in school, etc.)**

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 2 ASCD	2 points
3 <sup>rd</sup> offense – 3 ASCD/1 SAT	5 points

##### **B) Tardy (Late to school)**

After 5<sup>th</sup> late - warning 0 points

After 10<sup>th</sup> late - 1 ASCD 2 points

After 15<sup>th</sup> late - 2 ASCD 2 points

\*For each subsequent tardy, an additional ASCD will be added.

##### **C) Unauthorized use of electronics**

For 1<sup>st</sup> offense, device is taken away and student can pick up at the end of the school day. After 2<sup>nd</sup> offense, parent must pick up the device. After 3<sup>rd</sup> offense, device will not be returned to the student until the end of the school year.

##### **D) Inappropriate language and/or profanity**

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 2 ASCD	2 points
3 <sup>rd</sup> offense – 3 ASCD/1 SAT	5 points

##### **E) Disobedience/disruption**

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 2 ASCD	2 points
3 <sup>rd</sup> offense – 3 ASCD/1 SAT	5 points

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 9 of 15

Student Discipline/Code of Conduct R 5600

### F) Misbehavior for substitute

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 2 ASCD	2 points
3 <sup>rd</sup> offense – 3 ASCD/1 SAT	5 points
4 <sup>rd</sup> offense – 1 ISS	5 points

### G) Cheating/Dishonesty/Unbecoming Conduct/Forgery/Plagiarism

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 2 ASCD	2 points
3 <sup>rd</sup> offense – 3 ASCD/1 SAT	2 points

### H) Dress Code Violations

1 <sup>st</sup> offense – warning	0 points
2 <sup>nd</sup> offense – 1 ASCD	2 points
3 <sup>rd</sup> offense – 2 ASCD	2 points

### I) Inappropriate Displays of Affection

1 <sup>st</sup> offense – warning	0 points
2 <sup>nd</sup> offense – 1 ASCD	2 points
3 <sup>rd</sup> offense – 2 ASCD	2 points

### J) Antagonizing/Instigating Conflict

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 3 ASCD/1 SAT	5 points
3 <sup>rd</sup> offense – 1 ISS	5 points

### K) Dangerous Behavior

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 3 ASCD/1 SAT	5 points
3 <sup>rd</sup> offense – 1 ISS	5 points

### L) Roughhousing

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 3 ASCD/1 SAT	5 points
3 <sup>rd</sup> offense – 1 ISS	5 points

## LEVEL TWO – Substantial violation; requires administrative action

& permanent removal from bus

### M) Open Defiance/Insubordination

1 <sup>st</sup> offense – 3 ASCD/1 SAT	5 points
2 <sup>nd</sup> offense – 1 ISS or 1 OSS	5 points
3 <sup>rd</sup> offense – 3 ISS or 3 OSS	5 points

### N) Physical Aggressiveness

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 3 ASCD/1 SAT	5 points
3 <sup>rd</sup> offense – 1 ISS	5 points

### O) Inappropriate behavior on school vehicles

1 <sup>st</sup> offense – 1 ASCD	5 points
2 <sup>nd</sup> offense – 3 ASCD or 1 SAT	5 points
& 5 day removal from bus	
3 <sup>rd</sup> offense – 5 ASCD or 3 SAT	5 points
& 15 day removal from bus	
4 <sup>th</sup> offense – 5 ASCD or 3 SAT	5 points

### P) Harassment/Intimidation/Bullying/Sexual Harassment

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – see Level Three	

### Q) Smoking/Possession of tobacco products

1 <sup>st</sup> offense – 1 ISS/2 SAT	5 points
2 <sup>nd</sup> offense – 2 ISS/ 4 SAT	5 points
3 <sup>rd</sup> offense – 1 OSS	5 points

### R) Truancy

1 <sup>st</sup> offense – 1 ASCD	2 points
2 <sup>nd</sup> offense – 3 ASCD/1 SAT	5 points
3 <sup>rd</sup> offense – 1 ISS	5 points

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 10 of 15

Student Discipline/Code of Conduct R 5600

**S) Leaving Designated Area w/o permission**

1<sup>st</sup> offense – 1 ASCD 2 points

2<sup>nd</sup> offense – 3 ASCD/1 SAT 5 points

3<sup>rd</sup> offense – 1 ISS 5 points

**LEVEL THREE – Require administrative action; Criminal offenses may require the notification of outside authorities**

**T) Disorderly Conduct \***

1<sup>st</sup> offense – 1 ISS 5 points

2<sup>nd</sup> offense – 3 OSS 5 points

3<sup>rd</sup> offense – 5 OSS 5 points

\*Possible police notification

**U) Fighting/Assault\***

1<sup>st</sup> offense – 1 OSS 5 points

2<sup>nd</sup> offense – 3 OSS 5 points

3<sup>rd</sup> offense – 5 OSS 5 points

\*Possible Police notification

**V) Criminal Threat\***

1<sup>st</sup> offense – 5 OSS 5 points

2<sup>nd</sup> offense – 10 OSS 5 points

3<sup>rd</sup> offense – 10+ OSS 5 points

**Z) Theft**

1<sup>st</sup> offense – 3 ASCD/ 1 SAT 5 points

2<sup>nd</sup> offense – 1 ISS/ 1 SAT 5 points

3<sup>rd</sup> offense – 3 OSS 5 points

**W) Repeated**

**Harassment/Intimidation/Bullying/Sexual**

**Harassment\***

1<sup>st</sup> offense – 1 ISS 5 points

2<sup>nd</sup> offense – 1 ISS/ 1 SAT 5 points

3<sup>rd</sup> offense – 3 OSS 5 points

\*Possible Police notification & expulsion

1<sup>st</sup> offense – Removal from the regular educational setting, immediate homebound instruction, CST evaluation, & Board hearing.

\*Police notification and possible expulsion

**Y) Vandalism/Destruction of school property\***

1<sup>st</sup> offense – 3 ASCD/1 SAT 5 points

2<sup>nd</sup> offense – 1 ISS/1 SAT 5 points

3<sup>rd</sup> offense – 3 OSS 5 points

**X) Physical Aggression/Assault on Staff \***

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5600/page 11 of 15

Student Discipline/Code of Conduct R 5600

### AA) Possession of

#### **Drugs/Alcohol/Paraphernalia\***

(Mandatory drug & alcohol screen as per New Jersey State Law)

Procedure to follow the zero tolerance law and Board

\*Police notification and possible expulsion

### BB) Under the Influence of

#### **drugs/alcohol/steroids (positive test result)\***

(Mandatory drug & alcohol screen as per New Jersey State Law)

1<sup>st</sup> offense – 10 OSS      10 points

2<sup>nd</sup> offense – 10 OSS - Expulsion hearing with Board

\*Police notification

\*Possible expulsion

### CC) Possession of weapons\*

1<sup>st</sup> offense – 10 OSS      10 points

2<sup>nd</sup> offense – 10 OSS - Expulsion hearing with Board policy.

\*Police notification

\*Possible expulsion

### CC) False Fire Alarm\*

1<sup>st</sup> offense – 3 OSS      5 points

2<sup>nd</sup> offense – 5 OSS      5 points

\*Police notification

### DD) Bomb Scare\*

1<sup>st</sup> offense – Removal from the regular educational setting, immediate homebound instruction, CST evaluation, & Board hearing.



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 12 of 15

Student Discipline/Code of Conduct R 5600

2. The school responses to violations of behavioral expectations that are subject to student discipline including suspension or expulsion pursuant to N.J.S.A. 18A:37-2 outlined in a Chart of Student Discipline shall be consistent with the Board's policies and regulations/procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6 and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7.
3. The Principal or designee will maintain a list of community-based health and social service provider agencies available to support a student and a student's family, as appropriate, and a list of legal resources available to serve the community.
4. The Board of Education may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.
5. Nothing in Policy and Regulation 5600 shall prevent the school administration from imposing a consequence for unacceptable student conduct not listed or included in a Chart of Student Discipline.

### I. Student Conduct Away from School Grounds

1. The Building Principal or designee has the right to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.
  - a. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.
  - b. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.
  - c. Consequences for conduct away from school grounds shall be handled in accordance with the Board approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1, Policy and Regulation 5600, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 7.3, or 7.4.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 13 of 15

Student Discipline/Code of Conduct R 5600

2. School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

### J. School Bus Conduct

Violations of the rules regarding student conduct on school buses will be handled as follows:

1. The bus driver will report unacceptable conduct to the Principal of the school in which the student is enrolled by submission of a completed written report that includes the name of the student, the school, and the student's conduct.
2. The Principal or designee will investigate the matter, which may include meeting with the bus driver, bus aide, other students on the school bus, and the student who was reported by the bus driver.
3. The parent will be notified of the student's reported conduct.
4. The Principal or designee will make a determination if the student violated behavioral expectations and the discipline to be administered in accordance with the Code of Student Conduct.
5. If it is determined the misconduct is severe, the student may be suspended from the bus pending a conference with the parent.

### K. Students with Disabilities

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Educational Improvement Act, N.J.A.C 6A:14, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), student discipline and the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.

### L. Records

1. Instances of student discipline will be recorded in the student's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 14 of 15

Student Discipline/Code of Conduct R 5600

2. When a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information; Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), and N.J.A.C. 6A:32-7.5.
  - a. The record shall be provided within two weeks of the date that the student enrolls in the receiving district.
  - b. Written consent of the parent or adult student shall not be required as a condition of the record transfer; however, written notice of the transfer shall be provided to the parent or the adult student.
3. When a student transfers to a private school, which includes all sectarian or nonsectarian, nonprofit, institutional day, or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner the records would be provided to a public school, pursuant to 20 U.S.C. § 6301, Title IV § 4155 of the Elementary and Secondary Education Act.
4. The Board shall not use a student's past offenses on record to discriminate against the student.
5. All student disciplinary records pursuant to N.J.A.C. 6A:16-7 shall conform with the requirements set forth in N.J.A.C. 6A:16-7.8(d).

### M. Annual Review

The Superintendent will designate a school staff member to coordinate an annual review and update of Policy and Regulation 5600. The Superintendent's designee will:

1. Compile an annual summary report of violations of the student behavioral expectations and the associated school responses to the violations in the Student Discipline/Code of Conduct Policy and Regulation.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5600/page 15 of 15

Student Discipline/Code of Conduct R 5600

2. Convene a Student Discipline/Code of Conduct Committee comprised of parents, students, and community members that represent the composition of the district's schools and community to review the annual summary report and to develop recommendations, if any, to improve and update the Student Discipline/Code of Conduct Policy and Regulation.
3. The Superintendent's designee shall submit the Committee's recommendations, if any, to improve or update the Student Discipline/Code of Conduct Policy and Regulation.
4. The Superintendent will review the Committee's report with school administrators and will determine if the Student Discipline/Code of Conduct Policy and Regulation should be updated.
5. The Superintendent will recommend to the Board revisions to the Student Discipline/Code of Conduct Policy, if needed.

### N. Policy and Regulation Publication and Distribution

The Student Discipline/Code of Conduct Policy and Regulation 5600, including the Chart of Student Discipline shall be disseminated annually to all school staff, students, and parents. These documents may be disseminated in handbooks, electronically, or in hard copy form. Principals will ensure these documents are made available to all students on or before the first day of each school year and to transferring students on the first day of their enrollment in this district.

Adopted: January 11, 2017

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5610/page 1 of 8  
Suspension Procedures

### R 5610 SUSPENSION PROCEDURES (M)

#### A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Principal or designee, shall assure the rights of a student suspended for one, but not more than ten consecutive school days by providing for the following:
  - a. As soon as practicable, oral or written notice of charges to the student.
    - (1) When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided.
  - b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of the events regarding his or her actions leading to the short-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5.
    - (1) The informal hearing shall be conducted by a school administrator or designee;
    - (2) To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension;
    - (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and
    - (4) The informal hearing and the notice given may take place at the same time.
  - c. Oral or written notification to the student's parent of the student's removal from the student's educational program prior to the end of the school day on which the Principal decides to suspend the student. The notification shall include an explanation of:
    - (1) The specific charges;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT PUPILS

R 5610/page 2 of 8  
Suspension Procedures

- (2) The facts on which the charges are based;
      - (3) The provision(s) of the code of student conduct the student is accused of violating;
      - (4) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and
      - (5) The terms and conditions of the suspension.
    - d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and
    - e. Academic instruction, either in school or out of school, that addresses the Core Curriculum Content Standards.
      - (1) The student's academic instruction shall be provided within five school days of the suspension.
      - (2) At the completion of a short-term suspension, the Board of Education shall return a general education student to the general education program for which he or she was suspended.
      - (3) The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.
  2. The Principal suspending the student shall immediately report the suspension to the Superintendent, who shall report it to the Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.
  3. An appeal of the Board's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
  4. For a student with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.
- B. Long-Term Suspensions
1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a student suspended for more than ten consecutive school days by providing the following:

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

### PUPILS

R 5610/page 3 of 8  
Suspension Procedures

- a. Notification to the student of the charges prior to the student's removal from school;
- b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;
- c. Immediate notification to the student's parent of the student's removal from school;
- d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day;
- e. Written notification to the parent by the Superintendent or designee within two school days of the initiation of the suspension, stating:
  - (1) The specific charges;
  - (2) The facts on which the charges are based;
  - (3) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3; and
  - (4) Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.
    - (a) The Board shall request from the parent and student written acknowledgement of the notification provided pursuant to N.J.A.C. 6A:16-7.3(a)5.iv subsequent to the removal of the student from his or her educational program, pursuant to N.J.A.C. 6A:16-7.3.
- f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to j. below;

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5610/page 4 of 8

Suspension Procedures

- g. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;
- h. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;
- i. Either in- or out-of-school educational services that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with N.J.A.C. 6A:16-9 or 10.
  - (1) The student's educational services shall be provided within five school days of the suspension.
  - (2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education student based on the Core Curriculum Content Standards and the following considerations:
    - (a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;
    - (b) The results of relevant testing, assessments, or evaluations of the student;
    - (c) The student's academic, health, and behavioral records;
    - (d) The recommendation of the Superintendent, Principal, or other relevant school or community resource;
    - (e) Considerations of parental input; or
    - (f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8.
  - (3) Educational services provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.
- j. A formal hearing before the Board that shall, at a minimum:



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5610/page 5 of 8  
Suspension Procedures

- (1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations.
    - (a) Before taking final action, the Board as a whole shall receive and consider either a transcript or detailed report on the hearing.
  - (2) Include the opportunity for the student to:
    - (a) Confront and cross-examine witnesses, if there is a question of fact; and
    - (b) Present his or her own defense, and produce oral testimony or written supporting affidavits.
  - (3) Take place no later than thirty calendar days following the day the student is suspended from the general education program; and
  - (4) Result in the Board's decision that shall be based, at a minimum, on the preponderance of competent and credible evidence.
- k. A written statement to the student's parent regarding the Board's decision within five school days after the close of the hearing. The statement shall include at a minimum:
- (1) The charges considered;
  - (2) A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the Board at the hearing;
  - (3) Factual findings relative to each charge and the Board's determination of each charge;
  - (4) Identification of the educational services to be provided to the student, pursuant to i. above;
  - (5) The terms and conditions of the suspension; and

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5610/page 6 of 8  
Suspension Procedures

- (6) The right to appeal to the Commissioner of Education the Board's decision regarding the student's general education program, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- l. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and
  - m. At the completion of a long-term suspension, the Board shall return the general education student to the general education program.
- 2. An appeal of the Board's decision regarding the general education student's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.
- 3. Suspension of a general education student shall not be continued beyond the Board's second regularly scheduled meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.
  - a. The Board shall determine whether to continue the suspension, pursuant to B.1. above, based on the following criteria:
    - (1) The nature and severity of the offense;
    - (2) The Board's removal decision;
    - (3) The results of relevant testing, assessments, or evaluations of the student; and
    - (4) The recommendation of the Superintendent, after considering input from the Principal or Director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5610/page 7 of 8

Suspension Procedures

- b. The Board shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5. In this unlikely event, a special committee of the Board, which will include the Superintendent of Schools or his/her designee, will be appointed by the Board President to make a decision on the continuation of the suspension. The committee's decision will be implemented subject to ratification of the committee's decision at the next regularly scheduled Board meeting.
  
- 4. When the Board votes to continue a general education student's suspension, it shall review the case, in consultation with the Superintendent, at each subsequent Board meeting for the purpose of determining:
  - a. The status of the student's suspension;
  - b. The appropriateness of the suspended student's current educational program; and
  - c. Whether the suspended student's current placement, pursuant to i. above, should continue or whether the student should return to the general education program.
  
- 5. When the Board votes to continue a general education student's suspension, it shall make, in consultation with the Superintendent, the final determination on:
  - a. When the student is prepared to return to the general education program;
  - b. Whether the student will remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or
  - c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5610/page 8 of 8  
Suspension Procedures

6. The Board shall provide a general education student suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or services, based on the criteria set forth under B.1.i.(2) above, until the student graduates from high school or reaches the age of twenty, whichever comes first.
  - a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or
  - b. The educational services provided, either in-school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.
7. For a student with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.
  - a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to a student with a disability who is subjected to a long-term suspension.
  - b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.
  - c. The provisions of B.2. through B.6. above shall not apply to students with disabilities.

Adopted: January 11, 2017

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5611/page 1 of 4

Removal of Pupils From the General Education

Program for Weapons/Firearms Offenses

M

### R 5611 REMOVAL OF PUPILS FROM THE GENERAL EDUCATION PROGRAM FOR WEAPONS/FIREARMS OFFENSES

#### A. Definitions for the Purposes of This Regulation are:

1. Removal - The exclusion of a pupil from the regular education program in the school in which the pupil was assigned and the assignment of the pupil to an alternative education school or program for at least one calendar year, following a proper hearing conducted by the Board of Education.
2. Suspension - A temporary exclusion from school, following due process procedures.
3. Expulsion - A permanent exclusion from school which denies a pupil the free, thorough and efficient public education provided by the public school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the Board of Education.

#### B. Procedures - Removal of Pupils From General Education For Firearm Offenses and Assaults with Weapons Offenses

1. Any pupil convicted or found to be delinquent for the following offenses shall be immediately removed from the school's general educational 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 pupil:
  - a. Convicted or adjudicated delinquent for possession of a firearm on any school property, on a school bus, or at any school-sponsored function; and
  - b. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school property, on a school bus, or at any school-sponsored function; and

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

### PUPILS

R 5611/page 2 of 4

#### Removal of Pupils From the General Education Program for Weapons/Firearms Offenses

- c. Knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function.
2. Any pupil who commits an assault as defined in N.J.S.A. 2C:12-1(a)1, upon a pupil, teacher, administrator, Board member, or other school district employee, with a weapon, which includes, but is not limited to those items enumerated in N.J.S.A. 2C:39-1(r), except a firearm, as defined by N.J.S.A. 2C:39-1(f) and 18 USC §921, on any school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's general education program for a period not exceeding one calendar year.
3. The Principal or designee will remove the pupil and immediately report the removal to the Superintendent of Schools and the local law enforcement agency. The Principal or designee will isolate the pupil and place the pupil under the supervision of school staff until such time as the parent(s) or legal guardian(s) or law enforcement officials take custody of the pupil.
4. The Principal will notify the pupil's parent(s) or legal guardian(s) of the removal action; the law enforcement notification; the change in custody, if it occurs; and the pupil's due process rights.
5. Any pupil that is removed under this Regulation will be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-8 et seq. If placement in an approved alternative education program is not available, the pupil must be provided home instruction or other out-of-school instruction, according to N.J.A.C. 6A:16-9 et seq. and Policy 2481 until placement is available.
6. The school district may consider other alternative education programs, such as an Individualized Program Plan (IPP) developed in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8-7.1(d)ii.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

### PUPILS

R 5611/page 3 of 4

### Removal of Pupils From the General Education Program for Weapons/Firearms Offenses

7. Any pupil removed for a weapons offense is entitled to a hearing before the Board of Education to determine if the pupil is guilty of the offense.
  - a. The hearing shall take place no longer than thirty calendar days following the day the pupil is removed from the general education program. The hearing is not subject to the provisions of the Open Public Meetings Act, P.L. 1975, c.231 (C. 10:4-6 et seq.).
  - b. The decision of the Board of Education must be made within five calendar days after the close of the hearing. Any appeal to the Commissioner of Education must be made within ninety calendar days of the Board's decision.
  - c. If the Board finds the pupil is not guilty of the offense(s), the pupil must be immediately returned to the general education program.
  - d. The Superintendent of Schools may modify the removal of the pupil on a case-by-case basis for firearm offenses as defined in B.1. above.

#### C. Violations - Return of Pupils to General Education Program

1. The Superintendent will determine whether the pupil is prepared to return to the regular education program or whether the pupil will remain in the alternative education program or receive home or other out-of-school instruction. This decision will be based on the nature and severity of the offense; the Board's removal decision; the results of any relevant testing, assessments or evaluation of the pupil; and the recommendation of the Principal or director of the alternate education program in which the pupil has been placed.
2. The Superintendent's decision must be made in accordance with school district policy and New Jersey Administrative Code.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

### PUPILS

R 5611/page 4 of 4

### Removal of Pupils From the General Education Program for Weapons/Firearms Offenses

3. If the pupil is disabled, the pupil's placement is determined by the Child Study Team and the pupil's parent(s) or legal guardian(s) in accordance with N.J.A.C. 6A:14-1.1 et seq., Special Education.

#### D. Expulsion

In accordance with N.J.A.C. 6A:16-5.5(b)1. and 6A:16-5.6(b)1. the Board of Education is not prohibited from removing a pupil with a disability or the expulsion of a general education pupil.

#### E. Superintendent's Authorization for Firearm/Weapon

The Superintendent may grant written authorization to written requests from pupils to lawfully possess a firearm or other weapon while participating in a school-sponsored function. The Superintendent will not grant such permission to any pupil who has been convicted or is an adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.

#### F. Alternative Education Settings

If a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the Superintendent determines that it is not in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil, the educational program will be provided in accordance with Policy 2481.

#### G. Special Education

Pupils with disabilities shall be disciplined in accordance with Policy No. 2460 and Regulation No. 2460.6.



# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5721/page 1 of 1

Distribution of Independent Publications

### R 5721 DISTRIBUTION OF INDEPENDENT PUBLICATIONS

#### A. Definition

“Independent publications” are written or printed cards, letters, circulars, books, pamphlets, notices, newspapers, and other documents prepared and distributed by pupils, independent of any curricular or co-curricular activity sponsored by the Board of Education.

#### B. Distribution

1. Independent publications may be distributed on school premises only by the pupils enrolled in that school.
2. Distribution may be conducted during periods of time when the activity will not interrupt the instructional program or interfere with an exercise necessary for pupil safety, such as a fire drill.
3. Distribution may be conducted in places in which the activity will not obstruct the passage of persons, cause a safety hazard, or interfere with the orderly operation of the school.
4. The Principal will establish, in consultation with recognized pupil organizations, rules setting specific times and places for the distribution of independent publications on the school premises.

#### C. Littering

1. Distribution will be conducted in a manner that reduces the possibility of litter.
2. Pupils who distribute independent publications are responsible for policing the area in which the distribution takes place and assuring that all litter is promptly removed.

#### D. Enforcement

1. The Principal will enforce these regulations and will determine whether distribution violates the standards set forth in paragraph B2 and paragraph B3.
2. A decision of the Principal may be appealed to the Superintendent.

Issued: 15 January 2008

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5750/page 1 of 4  
Equal Educational Opportunity  
Complaint Procedure  
M

### R 5750 EQUAL EDUCATIONAL OPPORTUNITY COMPLAINT PROCEDURE

#### A. Purpose and Application

1. The purpose of this procedure is to give any pupil or the parent of a pupil the opportunity to appeal an allegedly discriminatory practice in the program of this district or an alleged denial of equal educational opportunity.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual pupils.

#### B. Definitions

1. "Board of Education" means the Board of Education of the Rockaway Borough School District.
2. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.
3. "Complainant" means a pupil or a parent/legal guardian of a pupil who alleges a complaint.
4. "Day" means a working or calendar day as identified.
5. "Pupil" means an individual enrolled in any formal educational program provided by the school district.
6. "School district" means the Rockaway Borough School District.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5750/page 2 of 4  
Equal Educational Opportunity  
Complaint Procedure

### C. Procedure

1. A complainant shall discuss his/her complaint with the staff member most closely involved, in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
  - a. The pupil's name and, in the complaint of a person acting on behalf of the pupil, the name and address of the complainant;
  - b. The specific act or practice that the complainant complains of;
  - c. The school employee, if any, responsible for the allegedly discriminatory act;
  - d. The results of discussions conducted in accordance with paragraph C1; and
  - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complainant in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5750/page 3 of 4  
Equal Educational Opportunity  
Complaint Procedure

5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.
6. The Superintendent will render a written decision in the matter no later than ten working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board of Education.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal will include:
  - a. The original complaint,
  - b. The response to the complaint,
  - c. The Superintendent's decision,
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
  - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5750/page 4 of 4  
Equal Educational Opportunity  
Complaint Procedure

10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.

### D. Record

The records of any complaint processed in accordance with this procedure shall be maintained in a file separate from the pupil's cumulative file. A notation shall be made in the pupil's file of the existence of the record in the separate file.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5751/page 1 of 12  
Sexual Harassment of Pupils  
M

## R 5751 SEXUAL HARASSMENT OF PUPILS

Sexual harassment of pupils is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

### A. Definitions

1. Quid Pro Quo Harassment - When a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.
3. Notice - The school district has notice if it actually "knew, or in the exercise of reasonable care, should have known" about the harassment. If an agent or responsible employee of the school district received notice, the school district is deemed to have notice. The school district may receive notice in many different ways:
  - a. A pupil may have filed a grievance or complained to a teacher about fellow pupils harassing him/her.
  - b. A pupil, parent, or other pupil may have contacted other appropriate school personnel.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5751/page 2 of 12  
Sexual Harassment of Pupils

- c. An agent or a responsible employee of the school district may have witnessed the harassment.
  - d. The school district may obtain information in an indirect manner such as staff, community members, newspapers, etc.
- 4. Constructive Notice - A school district will be in violation if the school district has “constructive notice” of a sexually hostile environment and fails to take immediate and appropriate corrective action. Constructive notice exists if the school district “should have” known about the harassment and if the school district would have found out about the harassment through a “reasonable diligent inquiry.”
- 5. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.
- 6. Title IX of the Education Amendments of 1972 - Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects any “person” from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Title IX prohibits sexual harassment regardless of the gender of the harasser even if the harasser and the pupil being harassed are members of the same gender. Although Title IX does not specifically prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian pupils may constitute sexual harassment as prohibited by Title IX. Harassing conduct of a sexual nature directed toward gay or lesbian pupils may create a sexually hostile environment and therefore be prohibited under Title IX.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5751/page 3 of 12

Sexual Harassment of Pupils

7. Grievance Procedure - The grievance procedure provides for prompt and equitable resolution of discrimination complaints, including complaints of sexual harassment. The grievance procedure provides the school district with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.
8. Office Of Civil Rights (OCR) - The OCR of the United States Department of Education has federal government's enforcement authority of Title IX.
9. Unwelcomeness - In order to be actionable as harassment, sexual conduct must be unwelcomed. Conduct is unwelcomed if the pupil did not request or invite it and "regarded the conduct as undesirable or offensive." The school district will be concerned about the issue of welcomeness if the harasser is in a position of authority.
10. Acquiescence - Acquiescence in the conduct or the failure to complain does not always mean the conduct was welcome. The fact that a pupil may have accepted the conduct does not mean that he/she welcomed it. The fact that a pupil willingly participated in conduct on one occasion does not prevent him/her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a pupil actively participates in sexual banter and discussions and gives no indication he/she objects, then the evidence generally will not support a conclusion that the conduct was unwelcomed.
11. Sufficiently Severe, Persistent, or Pervasive Conduct - In determining whether conduct is sufficiently severe, persistent, or pervasive, the conduct should be considered from a subjective and objective perspective. In making this determination, all relevant circumstances should be considered:
  - a. The degree to which the conduct affected one or more pupils' behavior. The conduct must have limited a pupil's ability to participate in or benefit from his/her education or altered the conditions of the pupils' educational environment.



# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5751/page 4 of 12  
Sexual Harassment of Pupils

- b. The type, frequency, and duration of the conduct.
- c. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.
- d. The number of individuals involved.
- e. The age and gender of the alleged harasser and the subject or subjects of the harassment.
- f. The size of the school, location of the incidents, and context in which they occurred.
- g. Other incidents at the school.
- h. Incidents of gender-based, but non-sexual harassment.

## B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of Harassment of Pupils by School Employees, Other Pupils, or Third Parties:

### 1. Reporting of Sexual Harassment Conduct

- a. Any person with any information regarding actual and/or potential sexual harassment of a pupil by any school employee, other pupils, or third parties must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.
  - (1) If the Building Principal deems it appropriate, he/she may immediately notify the parent(s) or legal guardian(s) of the alleged harasser(s) or alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.
  - (2) The Building Principal will not disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5751/page 5 of 12

Sexual Harassment of Pupils

- b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter or telephone call.
  - c. Nothing in the Policy and Regulation on Pupil Sexual Harassment shall preclude the Building Principal, or designee, from complying with the provisions of Policy No. 5600 - Pupil Discipline in order to maintain the health, safety and welfare of staff and/or pupils.
  - d. A report from the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.
  - e. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parent(s) or legal guardian(s) of any alleged harasser(s) and victim(s) for which a report has been filed even if the Building Principal has previously notified the parent(s) or legal guardian(s).
  - f. The Affirmative Action Officer shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.
2. Affirmative Action Officer's Investigation
- a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5751/page 6 of 12  
Sexual Harassment of Pupils

- b. When a pupil or the parent(s) or legal guardian(s) of a pupil provides information or complains about sexual harassment of the pupil, the Affirmative Action Officer will initially discuss what actions the pupil or parent(s) or legal guardian(s) is seeking in response to the harassment.
- c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any pupils who may have been sexually harassed by any school employee, other pupils, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.
- d. The Affirmative Action Officer will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if sexual harassment conduct exist(ed).
- e. The Affirmative Action Officer will provide a copy of the Board Policy and Regulation to all persons who are interviewed with potential knowledge and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.
- f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.
- g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.
- h. The Affirmative Action Officer and/or Superintendent may contact law enforcement agencies if there is potential criminal conduct by any party.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5751/page 7 of 12  
Sexual Harassment of Pupils

- i. The school district administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibits the pupil from assisting in the investigation.
- j. If elementary or middle school pupils are involved, it may become necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection. The Affirmative Action Officer will consider the age of the pupil, the nature of the conduct involved, and other relevant factors in determining whether a pupil had the capacity to welcome sexual conduct.
- k. The Affirmative Action Officer will consider particular issues of welcomeness if the alleged harassment relates to alleged "consensual" sexual relationships between a school employee and a pupil.
  - (1) If elementary or middle school (grades K-8) pupils are involved, welcomeness will not be an issue. Sexual conduct between a school employee and an elementary pupil will not be viewed as consensual.
  - (2) If secondary (grades 9-12) pupils are involved, there is a strong presumption that sexual conduct between a school employee and a secondary pupil is not consensual.
  - (3) In cases involving older secondary and post-secondary pupils and older secondary and post-secondary special education pupils, the Affirmative Action Officer will consider the following to determine whether a school employee's sexual advances or other sexual conduct could be considered welcome:
    - (a) The nature of the conduct and the relationship of the school employee to the pupil, including the degree of influence, authority, or control the employee has over the pupil.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5751/page 8 of 12  
Sexual Harassment of Pupils

- (b) Whether the pupil was legally or practically unable to consent to the sexual conduct in question.
- l. If there is a dispute about whether harassment occurred or whether it was welcome (in a case which it is appropriate to consider whether the conduct could be welcome) determinations should be based on the totality of the circumstances. The following types of information may be helpful in resolving the dispute:
  - (1) Statements made by any witnesses to the alleged incident.
  - (2) Evidence about the relative credibility of the alleged harassed pupil and the alleged harasser.
  - (3) Evidence that the alleged harasser has been found to have harassed others may support the credibility of the pupil claiming harassment.
  - (4) Evidence of the allegedly harassed pupil's reaction or behavior after the alleged harassment.
  - (5) Evidence about whether the pupil claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.
  - (6) Other contemporaneous evidence such as did the pupil write about the conduct and his/her reaction to it soon after it happened in diary or letter and/or tell friends or relatives.
- m. The scope of a reasonable response also may depend upon whether a pupil, or parent(s) or legal guardian(s) reporting harassment asks that the pupil's name not be disclosed to the harasser or that nothing be done about the harassment. The Affirmative Action Officer:

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

### PUPILS

R 5751/page 9 of 12

### Sexual Harassment of Pupils

- (1) Will provide an overview of harassment policy [and Title IX if applicable] to the pupil, parent(s) or legal guardian(s) which shall include the prohibition of retaliation. In the event the pupil, parent(s) or legal guardian(s) request the pupil's name remain confidential, the Affirmative Action Officer will inform the pupil, parent(s) or legal guardian(s) that the request may limit the school district's ability to respond.
- (2) Will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all pupils. The factors to be considered shall be the seriousness of the alleged harassment, the age of the pupil harassed, whether there have been any other complaints or reports against the alleged harasser. And the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.
- (3) May use other means available to address the harassment. Steps that may be taken to limit the effects of the alleged harassment and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require sexual harassment training at the site where the problem occurred, taking a pupil survey concerning any harassment problems that may exist, or other systematic measures where the alleged harassment occurred.
- (4) By conducting a limited investigation without revealing the name of the pupil sexually harassed, may be able to learn about or confirm a pattern of harassment based on claims of different pupils that were harassed by the same individual. The Affirmative Action Officer may place an individual on notice of allegation of harassing behavior and counsel appropriately without revealing, even indirectly, the identity of the pupil who notified the school district.

# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5751/page 10 of 12  
Sexual Harassment of Pupils

## 3. Investigation Results

- a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Affirmative Action Officer will prepare a summary of findings to the parties. At the least this shall include the person(s) providing notice to the school district and the pupil(s) who were alleged to be sexually harassed.
- b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.
- c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.
- d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administrators and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action, as specified in pupil and/or staff discipline policies and regulations. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.
- e. In the event the Affirmative Action Officer determines a hostile environment exists, the school district administrators and staff shall take steps to eliminate the hostile environment. The school district administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed pupil, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any pupil that reports such conduct.

# REGULATION

## ROCKAWAY BOROUGH SCHOOL DISTRICT

PUPILS

R 5751/page 11 of 12

Sexual Harassment of Pupils

- f. In some situations, the school district administrators may need to provide other services to the pupil that was harassed if necessary to address the effects of the harassment on that pupil. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed pupil's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.
  - g. The school district administrators will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed pupil and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.
  - h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.
- 4. Affirmative Action Officer's Investigation Appeal Process
  - a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any pupil who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.
  - b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.



# REGULATION

ROCKAWAY BOROUGH  
SCHOOL DISTRICT  
PUPILS  
R 5751/page 12 of 12  
Sexual Harassment of Pupils

## C. Office Of Civil Rights (OCR) Case Resolution

Parents or pupils not satisfied with the resolution of an allegation of sexual harassment by the school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).
2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of pupils, including incidents caused by employees, other pupils, or third parties, OCR will consider whether:
  - a. The school district has a policy prohibiting sex discrimination under Title IX and an effective Title IX grievance procedure;
  - b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and
  - c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.
3. If the school district officials have taken the steps described in 2 above, the OCR will consider the case against the school district resolved and take no further action other than monitoring compliance with any agreement between the school district and the OCR. This shall apply in cases in which the school district was in violation of Title IX, as well as those in which there has been no violation of Title IX.