

# REGULATION

# RANDOLPH BOARD OF EDUCATION

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## R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT PUPILS

### A. Definitions

1. "Affidavit pupil" means a pupil 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:22-3.1(a)2.
2. "Appeal to the Commissioner" or "appeal" means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3.
3. "Commissioner" means the Commissioner of Education or his/her designee.
4. "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 subject to a rebuttable presumption that the child is actually living with the custodian. "Guardian" also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1(e).
5. "Parent" means the natural or adoptive parent, foster parent, and surrogate parent.

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

1. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the pupil is domiciled within the district:
  - a. A pupil is domiciled in the district when he or she is living with a parent or guardian whose permanent home is located within the district. A home is permanent when the parent or guardian intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
    - (1) Where a pupil's parents or guardians are domiciled within different districts, and where there is no court order or written agreement between the parents designating the district for school attendance, the pupil's domicile is the district of the parent or guardian with whom the pupil lives for the majority of the school year, regardless of which parent has legal custody.



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- (2) Where a pupil's physical custody is shared on an equal-time, alternating week/month or other similar basis such that the pupil is not living with one parent or guardian for a majority of the school year, and where there is no court order or written agreement between the parents designating the district for school attendance, the pupil's domicile is the present domicile of the parent or guardian with whom the pupil resided on the last school day prior to October 16 preceding the date of the application.
  - (a) If a pupil resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the pupil's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the pupil will be residing on the last school day prior to the ensuing October 16. Where the parents or guardians do not designate, or cannot agree upon, the pupil's likely residence as of that date, or if on that date the pupil is not residing with the parent or guardian previously indicated, the pupil will attend school in the district where the parent or guardian with whom the pupil is actually living as of the last school day prior to October 16 is domiciled.
  - (b) Where the domicile of the pupil 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 pupil's out-of-district placement.
- (3) Where a pupil 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 pupil's entitlement to attend school in the parent or guardian's district of domicile pursuant to the provisions of N.J.A.C. 6A:22.
- (4) The district shall not be required to provide transportation for a pupil residing outside the district for all or part of the school year, other than that based upon the home of the parent or guardian domiciled within the district to the extent required by law, as a result of being the district of domicile for school attendance purposes pursuant to the provisions of N.J.A.C. 6A:22.



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- b. A pupil is domiciled in the 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 permanent home within the district. A home is permanent when the pupil intends to return to it when absent and has no present intent of moving from it, notwithstanding the existence of homes or residences elsewhere.
  - c. A pupil is domiciled in the district when the pupil has come from outside the State and is living with a person domiciled in the district who will be applying for guardianship of the pupil upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-30(e) and N.J.S.A. 2A:34-31. However, any such pupil may later be subject to removal proceedings if application for legal 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 pupil is domiciled in the district when his or her parent or guardian resides within the district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.
  - e. A pupil is domiciled in the district if the Department of Children and Families is acting as the pupil's guardian and has placed the pupil in the district.
2. When a pupil'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 district of domicile for school attendance purposes shall be that of the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the unit's property tax is paid by the owner of a multi-unit dwelling.
    - a. Where property tax is paid in equal amounts to two or more municipalities, and where there is no established assignment for pupils residing in the affected dwellings, the district of domicile for school attendance purposes will be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4. This provision shall not preclude the attendance of currently enrolled pupils who were permitted to attend school in the district prior to the provision's initial promulgation on December 17, 2001.



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3. Where a pupil's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 is intended to foreclose a pupil's entitlement to attend school in the district of domicile notwithstanding that the pupil is qualified to attend school in a different 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).
- C. Eligibility to Attend School – Other Pupils Eligible to Attend School
1. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-1(b) if that pupil is kept in the home of a person other than the pupil's parent or guardian, where the person is domiciled in the school district and is supporting the pupil without remuneration as if the pupil were his or her own child.
    - a. A pupil is not eligible to attend school in this district pursuant to this provision unless:
      - (1) The pupil'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 pupil due to family or economic hardship and that the pupil is not residing with the other person solely for the purpose of receiving a free public education; and
      - (2) The person keeping the pupil has filed, if so required by the district:
        - (a) A sworn statement that he or she is domiciled within the 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 pupil relative to school requirements; and
        - (b) A copy of his or her lease if a tenant, or a sworn landlord's statement if residing as a tenant without a written lease.
    - b. A pupil shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained, where evidence is presented that the underlying requirements of the law are being met notwithstanding the inability of the resident or pupil to obtain the sworn statement(s).



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- c. A pupil shall not be deemed ineligible under this provision where evidence is presented that the pupil has no home or possibility of school attendance other than with a district resident who is not the pupil's parent or guardian but is acting as the sole caretaker and supporter of the pupil.
  - d. A pupil shall not be deemed ineligible under this section solely because a parent or guardian gives gifts or makes limited contributions, financial or otherwise, toward the welfare of the pupil, provided the resident keeping the pupil receives no payment or other remuneration from the parent or guardian for regular maintenance of the pupil.
  - 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, is not the primary financial supporter of that child, and who fraudulently claims to have given up custody of his or her child to a person in another district commits a disorderly persons offense.
2. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-1(b) if the pupil is kept in the home of a person domiciled in the district, other than the parent or guardian, where 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. Eligibility under this provision shall cease at the end of the current school year upon the parent or guardian's return from active military duty.
3. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-1(d) if the pupil's parent or guardian temporarily resides within the district and elects to have the pupil attend school in the district of temporary residence, notwithstanding the existence of a domicile elsewhere.
  - a. The parent or guardian, when required by the district, shall demonstrate that such temporary residence is not solely for purposes of a pupil's attending school within the district of temporary residence;



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- b. Where one of a pupil's parents or guardians temporarily resides in the 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 pupil shall be eligible to attend school based upon a parent or guardian's temporary residence in a district unless the parent or guardian demonstrates, when required by the district, that such temporary residence is not solely for purposes of a pupil's attending school within the district.
4. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-1(f) if the pupil's parent or guardian moves to another 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 pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-2 if the pupil is placed in the home of a district resident by court order or by a society, agency, or institution as referenced in that statute. "Court order" as used in this paragraph does not encompass orders of residential custody, under which claims of entitlement to attend school in a 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 pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-3(b) if the pupil had previously resided in the 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 pupil out of the district. A district admitting a pupil pursuant to N.J.S.A. 18A:38-3(b) shall not be obligated for transportation costs.
7. A pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, is eligible to attend school in the district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the pupil resides on Federal property within the State.



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### D. Housing and Immigration Status

1. The physical condition of an applicant's housing, or an applicant's compliance with local housing ordinances or terms of lease shall not affect eligibility to attend school.
2. Immigration/visa status shall not affect eligibility to attend school. Any pupil over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older pupil as is otherwise entitled by law to a free public education, who is domiciled in the district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to pupils who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the 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 Pupils

The district will accept F-1 Visa pupils into the district with the payment of tuition with a tuition contract to be signed before the district will provide the requested I-20 Form.

- E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22 shall be construed to limit the discretion of the Board to admit nonresident pupils, or the ability of a nonresident pupil 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

1. The district shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a pupil's eligibility for enrollment in the 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;



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- 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, where applicable, to support of the pupil;
  - e. Medical reports, counselor or social worker assessments, employment documents, unemployment claims, benefit statements, and other evidence of circumstances demonstrating, where applicable, 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 pupil," adult pupil, 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 district may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by a person seeking to enroll a pupil.
  3. The district 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 of documentation, or a particular subset of documents, without regard to other evidence presented.
  4. The district shall not require or request, as a condition of enrollment in school, any information or document protected from disclosure by law, or pertaining to criteria which are not legitimate bases for determining eligibility to attend school. These 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.





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5. Documents or information of the type referenced in 4. above, or pertinent parts thereof, may be considered by the district if voluntarily disclosed by the applicant seeking enrollment. However, the district may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

## G. Initial Assessment and Enrollment

1. The district shall use registration forms provided by the Commissioner, or locally developed forms that:
  - 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 the criteria for attendance set forth in N.J.S.A. 18A:38-1 for applicant reference, and specify the nature and form of any sworn statements to be filed;
  - d. Clearly state the purpose, in relation to such criteria, for which requested information is being sought; and
  - e. Provide notice to applicants that any initial determination of eligibility is subject to a more thorough review and re-evaluation, and that there is a potential for assessment of tuition in the event that an initially admitted applicant is later found ineligible.
2. The district shall ensure that sufficient numbers of registration forms, and sufficient numbers of trained registration staff, are available to ensure prompt determinations of eligibility and enrollment. Applications for enrollment may be taken by appointment, but such appointments must be promptly scheduled and may not unduly defer a pupil's attendance at school.
  - a. If the district uses separate forms for "affidavit pupil" applications, rather than a single form for all types of application for enrollment, such forms shall comply in all respects with the provisions of G.1. above. Where such forms are used, the district shall provide them to any person attempting to register a pupil of whom he or she is not the parent or guardian, whether or not they are specifically requested. The district shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a pupil living with a person other than the parent or guardian, since such pupil may qualify as an "affidavit pupil" nor shall the district demand or suggest that "affidavit pupil" proofs be produced by an applicant seeking to enroll a pupil of whom the applicant has guardianship or custody.





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5. Where enrollment is denied and an intent to appeal is indicated, or where enrollment is provisional subject to further review or information, enrollment or attendance at school shall not be conditioned on advance payment of tuition in whole or part.
6. The Superintendent or designee, shall ensure that information suggesting an applicant may be homeless is identified during the registration process, so that, where appropriate, procedures may ensue in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.
7. Enrollment or attendance in the district shall not be denied based upon absence of the certified copy of birth certificate or other proof of a pupil's identity required within thirty days of initial enrollment pursuant to N.J.S.A. 18A: 36-25.1.
8. Enrollment in the district shall not be denied based upon absence of pupil medical information, although actual attendance at school may be deferred as necessitated by compliance with rules regarding immunization of pupils, N.J.A.C. 8:57-4.1 et seq.
9. Enrollment in the district, attendance at school, or educational services where attendance in the regular education program appears inappropriate, shall not be denied based upon absence of a pupil's prior educational record. However, the applicant shall be advised that the initial educational placement of the pupil may be subject to revision upon receipt of records or further assessment of the pupil by the district.

### H. Notice of Ineligibility

1. If the district finds the applicant ineligible to attend the schools of the district pursuant to N.J.A.C. 6A:22 or the application initially submitted is found to be deficient upon subsequent review or investigation, notice shall immediately be provided to the applicant consistent with sample form(s) provided by the Commissioner. 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, sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal. Such description shall identify the specific section of N.J.S.A. 18A:38-1 under which the application was decided;



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- b. In cases of provisional eligibility, a clear description of the missing documents or information that shall be provided in order to attain final eligibility status 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 date of the notice, along with an informational document provided by the Commissioner describing how to file an appeal;
- d. A clear statement that the pupil is entitled to attend school for the twenty-one day period during which an appeal can be made to the Commissioner, but that, if missing information is not provided or an appeal is not filed, the pupil will not be permitted to attend school beyond the 21<sup>st</sup> day following the date of the notice;
- e. A clear statement that the pupil is entitled to continue attending school during the pendency of an appeal to the Commissioner;
- f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the pupil's entitlement to attend the schools of the district, or the applicant abandons the appeal through withdrawal, failure to prosecute or 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 pupil having moved from the district, the notice of ineligibility shall also provide information as to whether district policy permits continued attendance, with or without tuition, for pupils who move from the district during the course of the school year.
- h. The name of a contact person in the district who can provide assistance in explaining the contents of the notice; and



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- i. Notice that, where no appeal is filed, the parent or guardian shall still comply with compulsory education laws, and that, in the absence of a written statement from the parent or guardian that the pupil will be attending school in another district, attending a nonpublic school, or receiving instruction elsewhere than at a school, the district level administrator designated by the Superintendent 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 ("willfully failing to provide regular school education as required by law"). Such staff shall provide the pupil's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission to the district based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere, for purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25).
- I. Removal of Currently Enrolled Pupils
1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board from seeking to identify, through further investigation or periodic requests for current validation of previously determined eligibility status, pupils enrolled in the district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances or newly discovered information.
  2. When a pupil, enrolled and attending school in the district based on an initial determination of eligibility, is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board for removal of the pupil.
    - a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, such notice shall also provide for a hearing before the Board prior to a final decision on removal.
  3. No pupil shall be removed from school unless the parent, guardian, adult pupil or resident keeping an "affidavit pupil," as the case may be, 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 pupil or resident keeping an "affidavit pupil," as the case may be, does not respond to the Superintendent's notice within the designated time frame or appear for hearing, the Board shall make a prompt determination of the pupil's eligibility or ineligibility and shall immediately provide notice thereof in accordance with the requirements of N.J.A.C. 6A:22-4.2.



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5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by a committee, at the discretion of the full Board, which shall make a recommendation to the full Board for action. No pupil may be removed except by vote of the Board of Education taken at a meeting duly 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. A district determination that a pupil is ineligible to attend the schools of the district may be appealed to the Commissioner by the parent, guardian, adult pupil or resident keeping an "affidavit pupil," as the case may be. Such appeals shall proceed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 et seq. and shall proceed as a contested case pursuant to N.J.A.C. 6A:3. Pursuant to N.J.S.A. 18A:38-1(b)1, appeals of "affidavit pupil" eligibility determinations shall be filed by the resident keeping the pupil.
- K. Assessment and Calculation of Tuition
1. If no appeal to the Commissioner is filed by the parent, guardian, adult pupil, or district resident keeping an "affidavit pupil" following notice of a determination of ineligibility, the Board may assess tuition for any period of a pupil'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 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 pupil, or district resident keeping an "affidavit pupil", where the petitioner does not sustain the burden of demonstrating entitlement to attend the schools of the district, or abandons the appeal through withdrawal, failure to prosecute or any means other than settlement agreeing to waive or reduce tuition, the Commissioner may order assessment of tuition for any period of a pupil's ineligible attendance in a district, including the twenty-one day period for filing of an appeal and the period during which the hearing and decision on appeal were pending.



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- a. Upon the Commissioner's finding that an appeal has been abandoned, the Board may remove the pupil from school and seek tuition for the period of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a). However, if the record of the appeal includes a calculation reflecting the rate(s) of tuition for the year(s) at issue, the per diem rate of tuition for the current year, and the date on which the pupil's ineligibility began, the Commissioner may order payment of tuition as part of his or her decision. If the record does not include such a calculation, but the Board 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 on the judgment docket of the Superior Court, Law Division, pursuant to 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 pupil basis for the period of a pupil's ineligible enrollment, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23-3.1. The individual pupil's record of daily attendance shall not impact on such calculation.
  4. Nothing in N.J.A.C. 6A:22 precludes an equitable determination, by the Board or the Commissioner, that, when the particular circumstances of a matter so warrant, tuition shall not be assessed for all or part of any period of a pupil's ineligible attendance in the district.

Issued:



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## 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 or Guidance Counselor to discuss the reasons for the requested withdrawal.
3. The Principal or Guidance Counselor 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 or Guidance Counselor, 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 or Guidance Counselor will report the withdrawal and the reasons for the withdrawal to the Superintendent to satisfy state reporting requirements.

### B. Transferring Pupils

1. A pupil requesting transfer to another school, public or private, must obtain from the office a transfer form for approval by the pupil's parent(s) or legal guardian(s).





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Withdrawal from School

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:



# REGULATION

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Attendance  
M

## R 5200 ATTENDANCE

### A. Definitions

1. "Attendance" is a pupil's presence in school and in the classroom to which he/she is assigned at the times scheduled for instruction or other school activities.
  - a. A pupil will be considered to have attended school if he/she has been present at least four hours during the school day.
  - b. A Kindergarten pupil will be considered to have attended school if he/she has been present at least half the scheduled hours during the Kindergarten session to which the pupil is assigned.
  - c. A pupil not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.
2. "Excused absence" is a pupil's absence from school for a full day or a portion of a day for one or more of the following reasons:
  - a. The pupil's illness,
  - b. Family illness or death,
  - c. Educational opportunities,
  - d. Excused religious observances, pursuant to N.J.S.A. 18A:36-14 through 16,
  - e. 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 pursuant to N.J.A.C. 6A:16-2.3,
  - f. The pupil's suspension from school,
  - g. The pupil's required attendance in court,



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- h. Interviews with a prospective employer or with an admissions officer of an institution of higher education,
  - i. Examination for a driver's license,
  - j. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day,
  - k. An absence for a reason not listed above, but deemed excused by the Principal, upon a written request by the pupil's parent or legal guardian to the Building Principal or designee stating the reason for the absence and requesting permission for the absence to be an excused absence.
3. "Truancy" is a pupil's absence from all or a part of the school day without the knowledge of the pupil's parent(s) or legal guardian(s). A pupil will also be considered truant if he/she:
- a. Leaves school at lunch time without a pass,
  - b. Leaves school without permission when school is still in session,
  - c. Leaves class because of illness and does not report to the school nurse as directed, or
  - d. Is present in school but is absent from class without approval. Such truancy from class is a "class cut."
4. "Unexcused absence" is a pupil's absence for all or part of a school day for any reason other than those listed in A2 above.
- a. Instances of tardiness in the number established by Policy No. 5240 will constitute a single unexcused absence.
- B. Notice to School of a Pupil's Absence
- 1. The parent(s) or legal guardian(s) or adult pupil is requested to call the school office the morning of the pupil's absence.
  - 2. The parent(s) or legal guardian(s) of a pupil who attended morning session but will not attend afternoon session should call the school office to give notice of the pupil's absence.



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3. The parent(s) or legal guardian(s) or adult pupil who anticipates a future absence or anticipates that an absence will be prolonged should notify the Building Principal, who will assist in the arrangement of make-up work.

### C. Readmission to School After an Absence

1. A pupil returning from an absence of any length must present to the school nurse a written statement, dated and signed by the parent(s) or legal guardian(s) or adult pupil, of the reasons for the absence.
2. A note explaining a pupil's absence for noncommunicable illness for a period of more than three school days must be accompanied by a physician's statement of the pupil's illness.
3. A pupil who has been absent by reason of having or being suspected of having a communicable disease must present to the school nurse written evidence of being free of communicable disease, in accordance with Policy No. 8451.

### D. Instruction

1. Teachers are expected to cooperate in the preparation of home assignments for pupils who anticipate an excused absence of ten school days duration. The parent(s) or legal guardian(s) or adult pupil must request such home assignments.
2. A pupil who anticipates an excused absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy No. 2412. The parent(s) or legal guardian(s) or adult pupil must request home instruction.
3. Pupils absent for any reason are expected to make up the work missed. The pupil is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.
4. In general, pupils will be allowed an equal number of day(s) to make up missed work for each day of absence. Teachers shall make reasonable accommodations to extend time for pupils.
5. A pupil who missed a test because of an excused absence shall be offered an opportunity to take the test or an alternate test.



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### E. Denial of Course Credit

1. The teacher will determine the credit to be awarded a pupil for make-up work, subject to the rules set forth in this section. Where class participation is a factor in the learning process, the teacher may consider a pupil's absences in determining a final grade, except that absences for the observance of a pupil's religious holiday or for a suspension from school cannot adversely affect the pupil's grade. The teacher may record an incomplete grade, in accordance with Regulation No. 2624, for a pupil who has not had full opportunity to make up missed work.
2. A secondary pupil will be dropped from the course and denied course credit when he/she has been absent from ten percent or more of the class sessions, whatever the reason for the absence, except that absences for the observance of religious holidays and absences caused by a pupil's suspension will not count toward the total. Exceptions to this rule may be made for pupils whose absences are excused and who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the course of study.
  - a. A secondary pupil who has been dropped from a course of study will be assigned to an alternate program.
  - b. A secondary pupil denied course credit may attend a credit completion session to regain the denied credit, provided the pupil has not been absent from the class more than eighteen times.
3. An elementary pupil will be retained at grade level, in accordance with Policy No. 5410, when he/she has been absent thirty or more school days, whatever the reason for the absence, except that absences for the observance of religious holidays and during a pupil's suspension will not count toward the total. Exceptions to this rule may be made for pupils whose absences are excused and 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.

### F. School District Response To Unexcused Absences During the School Year

1. For up to four cumulative unexcused absences, the Building Principal or designee shall:
  - a. Make a reasonable attempt to notify the pupil's parent or legal guardian of each unexcused absence prior to the start of the following school day;



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- b. Conduct an investigation of the cause of each unexcused absence, including contact with the pupil's parent or legal guardian;
  - c. Develop an action plan in consultation with the pupil's parent or legal guardian 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 potentially missing or abused child abuse 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, the Building Principal or designee shall:
- a. Make a reasonable attempt to notify the pupil's parent or legal guardian of each unexcused absence prior to the start of the following school day;
  - b. Conduct a follow-up investigation, including contact with the pupil's parent or legal guardian, to determine the cause of each unexcused absence;
  - c. Evaluate the appropriateness of the action plan developed pursuant to F.1.c. above;
  - d. Revise the action plan, as needed, to identify patterns of unexcused absences and establish outcomes based upon the pupil's needs and specify the interventions for achieving the outcomes, supporting the pupil's return to school and regular attendance that 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 pupil's academic, behavioral, and health needs;
    - (3) Consider an alternate educational placement;
    - (4) Make a referral to a community-based social and health provider agency or other community resource;



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- (5) Refer to the court program designated by the New Jersey Administrative Office of the Courts; and
      - (6) Proceed in accordance with the provisions of N.J.S.A. 9:6 et seq. and N.J.A.C. 6A:16-11, if a potentially missing or child abuse situation is detected.
    - e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
  3. For cumulative unexcused absences of ten or more, the pupil between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-27, and the Building Principal or designee shall:
    - a. Make a mandatory referral to the court program required by the New Jersey Administrative Office of the Courts;
    - b. Make a reasonable attempt to notify the pupil's parent or legal guardian of the mandatory referral;
    - c. Continue to consult with the parent or legal guardian and the involved agencies to support the pupil's return to school and regular attendance;
    - d. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
    - e. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.
  4. For pupils with disabilities, the attendance plan and punitive and remedial procedures of N.J.A.C. 6A:16-7.8 and Policy and Regulation 5200 shall be applied, where applicable, in accordance with the pupil's Individualized Education Programs, pursuant to 20 U.S.C. §1400 et seq.; the Individuals with Disabilities Education Improvement Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plans under 29 U.S.C. §§794 and 705(20); and individualized health care plans, pursuant to N.J.A.C. 6A:16-2.3.
  5. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a) shall act in accordance with F.1. above for each pupil with up to four cumulative unexcused absences.



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a. For each pupil attending a receiving school with five or more cumulative unexcused absences, the absences shall be reported to the sending district by the receiving school.

(1) The sending school district shall proceed in accordance with the district Board of Education policies and procedures pursuant to F. above and the provisions of F.2. through F.4. above, as appropriate.

### G. Discipline

1. Pupils may be denied participation in co-curricular activities if their attendance fails to meet the standards set forth in Policy No. 2430.
2. Pupils may be denied participation in athletic competition if their attendance fails to meet the standards set forth in Board Policy No. 2431.
3. No pupil 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.
4. In addition to the requirements as outlined in F.3.a. through e. above, a pupil deemed truant shall be subject to appropriate pupil discipline.
5. The absence of a pupil missing from school for unexplained reasons will be handled in accordance with Regulation No. 8462.

### H. Recording Attendance

1. Teachers must accurately record the pupils present, tardy, and absent each day in each session or each class. Attendance records must also record pupils' attendance at out-of-school curricular events such as field trips.
2. Teachers must classify and record each absence as excused, unexcused, or truancy.
3. A report card will record the number of times the pupil was absent and tardy in each marking period.
4. A pupil's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.





# REGULATION

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Attendance

### I. Appeal

1. A truant pupil may be suspended or expelled for trancies in accordance with Policy Nos. 5610 and 5620.
2. A pupil who has been retained at grade level for excessive absences may appeal that action in accordance with Policy No. 5410.
3. A pupil 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 pupil shall file a written appeal to the Building Principal within five school days of receiving notice of the action. The appeal should state the reasons for admitted absences, documentation that would reduce the number of absences, and reasons why the pupil should continue to be enrolled in the course and/or receive course credit.
  - b. The Building Principal will respond in writing no later than seven working days after receiving the pupil's appeal.
  - c. If the pupil is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.
  - d. On the pupil's request, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the pupil's reasons for reenrollment and/or credit. The pupil's parent(s) or legal guardian(s) and teacher may attend the meeting.
  - e. The Attendance Review Committee shall decide the appeal and inform the pupil in writing within seven working days of the meeting. The committee may impose conditions on any reenrollment and may require the pupil to agree to those conditions.
  - f. The pupil may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education, in that order and in accordance with Policy No. 5710, Pupil Grievance. Resort to the Attendance Review Committee shall be considered to have exhausted the first step of the grievance.



# REGULATION

## RANDOLPH BOARD OF EDUCATION

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Attendance

### J. Attendance Improvement Plan

1. The Superintendent or designee will collect attendance data from each of the schools in the district and calculate the average daily attendance rate for the district and for each school. The attendance rate shall be calculated by dividing the total number of pupil days present for all pupils by the total possible number of pupil days present for all pupils and multiplying the result by one hundred.
2. When the average daily attendance rate for the district or for a school does not meet the New Jersey Department of Education requirements, performance objectives to improve pupil attendance pursuant to N.J.A.C. 6A:32-12.2(a)3 shall be developed.

Adopted:



# REGULATION

## RANDOLPH BOARD OF EDUCATION

PUPILS  
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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:
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;



# REGULATION

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Health Services To Nonpublic Schools

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:
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;



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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;



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Health Services To Nonpublic Schools

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
3. 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:



# REGULATION

# RANDOLPH BOARD OF EDUCATION

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Pupil Health Records  
M

## R 5308 PUPIL HEALTH RECORDS

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

### A. Mandated Pupil Health Records

1. The following mandated pupil health records shall be maintained:
  - 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.
2. The district will document the findings of pupil health histories, health screenings, and required medical examinations that are relevant to school participation on the pupil's health record using a form approved by the Commissioner of Education.

### B. Maintenance of Pupil Health Records

1. The school district shall maintain pupil health records in accordance with N.J.A.C. 6A:32-7.4 as follows:
  - a. Pupil health records shall be maintained separately from other pupil records in a secure location;
  - b. Pupil health records kept in electronic form shall be both accessible and secure according to N.J.A.C. 6A:32-7.4(d);
  - c. Pupil health records shall be located in the school building or complex to which a pupil is assigned;
  - d. Pupil health records shall be accessible to authorized personnel while school is in session; and
  - e. The health and immunization record shall be removed from the pupil's health record and placed in the pupil's mandated record until such time as graduation or termination and kept according to the schedule set forth in N.J.A.C. 6A:32-7.8.



# REGULATION

## RANDOLPH BOARD OF EDUCATION

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Pupil Health Records

### C. Transferring Pupil Health Records

1. The school district shall ensure the following when transferring pupil health records:
  - a. Original mandated pupil health records that school districts are directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator, or designee, of the school district to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;
  - b. Duplicate mandated pupil health records which school districts have been directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator, or designee, of the nonpublic school to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;
  - c. Duplicate mandated pupil health records which school districts have been directed to compile pursuant to New Jersey statute, rule, or authorized administrative directive shall be forwarded to the Chief School Administrator or designee of the out-of-State school district to which the pupil has transferred within ten days of receipt of a written request and verification by the school district;
  - d. Records that are transferred in duplicate form shall have their original maintained at the location of the sending school district; and
  - e. The Chief School Administrator or designee shall request all pupil health records in writing from the school district of last attendance within two weeks from the date that the pupil enrolls in the new school district.

### D. Restrictions for Sharing Pupil Health Information

1. Any Board of Education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing that information as required by Federal and State statutes and regulations.





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Pupil Health Records

- a. Information that identifies a pupil as having HIV infection or AIDS shall be shared only with prior written informed consent of the pupil age twelve or greater, or of the pupil's parent(s) or legal guardian(s) 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 pupil.
  - b. Information obtained by the school's alcohol and other drug program which would identify the pupil as an alcohol or other drug user may be disclosed only for those purposes and under those conditions permitted by 42 CFR Part 2.
  - c. Information provided by a secondary school pupil while participating in a school-based alcohol or other drug counseling program that indicates a parent, guardian, or other person residing in the pupil'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 Pupil Health Records
1. Access to and disclosure of information in the pupil's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, incorporated herein by reference, as amended and supplemented, 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7, Pupil Records.
  2. The school district shall provide access to the pupil health records 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 those portions of the pupil's health record that are 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.

Nothing in N.J.A.C. 6A:16-2.5 or in Policy and Regulation 5308 shall be construed to prohibit school personnel from disclosing information contained in the pupil's health record to pupils or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the pupil or other persons pursuant to N.J.A.C. 6A:32-7.4.

Issued:



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Health Services  
M

## R 5310 HEALTH SERVICES

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

1. Advanced practice nurse – means a person who holds current certification as 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 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.
3. Medical Examination – means the assessment of an individual’s health status.
4. Medical Home – means a health care provider and that provider’s practice site chosen by the pupil’s parent or legal guardian for the provision of health care.
5. Noncertified Nurse – means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by a district Board of Education or nonpublic school, and who is not certified as a school nurse by the Department of Education.
6. Physical Examination – means the examination of the body by a professional licensed to practice medicine or osteopathy or an advanced practice nurse. The term includes very specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.
7. School Physician – means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Examiners who works under a contract or as an employee of the school district. The physician is also referred to as the medical inspector as per N.J.S.A. 18A:40-1.

### B. Medical Examinations – General Conditions

Each pupil medical examination shall be conducted at the medical home of the pupil. If a pupil does not have a medical home, the school district shall provide this examination at the school physician's office or other comparably equipped facility. For the purpose of the physical examination required for pupils prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for pupils enrolled in grades six to twelve, the pupil's parent(s) or legal guardian(s) may choose either the school physician or their own private physician. A full report of the examination shall be maintained as part of the pupil's health record.



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The findings of required examinations under C. through G. below shall be documented on a form that is approved by the Commissioner of Education and shall include the following components:

1. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.16;
2. Medical history including allergies, past serious illnesses, injuries and operations, medications, and current health problems;
3. Health screenings including height, weight, hearing, blood pressure, and vision; and
4. Physical examinations.

The district Board of Education shall make accessible information regarding the NJ FamilyCare Program for pupils who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.

Pursuant to N.J.S.A. 18A:40-4.4, a pupil who presents a statement signed by his/her parent(s) or legal guardian(s) that required examinations interfere with the free exercise of his/her religious beliefs shall be examined only to the extent necessary to determine whether the pupil is ill or infected with a communicable disease or under the influence of alcohol or drugs or is disabled or is fit to participate in any health, safety, or physical education course required by law.

Information concerning a pupil'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.

## C. Medical Examinations - Prior To Participation On A School-Sponsored Interscholastic Or Intramural Athletic Team Or Squad For Pupils Enrolled In Grades Six To Twelve

The school district shall ensure that pupils receive medical examinations prior to participation on a school-sponsored interscholastic or intramural athletic team or squad for pupils enrolled in any of the grades six to twelve.

1. The examination shall be conducted within 365 days prior to the first practice session.
2. The medical examination shall include a health history questionnaire, completed and signed by the parent(s) or legal guardian(s).



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- a. The report of health findings of the medical examination for participation shall be documented on the Athletic Preparticipation Physical Examination Form approved by the Commissioner of Education to determine whether the pupil had or currently has any of the following conditions since their last physical:
- (1) Injuries;
  - (2) Chronic or ongoing illness;
  - (3) Prescribed medication;
  - (4) Allergies;
  - (5) Head-related conditions;
  - (6) Heart-related conditions;
  - (7) Eye, ear, nose, mouth, or throat conditions;
  - (8) Neuromuscular/orthopedic conditions; or
  - (9) General or exercise-related conditions.
- b. The medical report shall include a determination concerning the pupil's participation from the examining physician, advanced practice nurse or physician's assistant which includes, at a minimum, the following normalities:
- (1) Measurement of weight, height, and blood pressure;
  - (2) Examination of the skin to determine the presence of infection, scars from previous surgery or trauma, jaundice and purpura;
  - (3) Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
  - (4) Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;



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- (5) Examination of the nose to assess the presence of deformity which may affect endurance;
  - (6) Assessment of the neck, back, and spine to determine range of motion, the presence of pain associated with such motion, and abnormal curvature of the spine;
  - (7) Examination of chest contour;
  - (8) Auscultation and percussion of the lungs;
  - (9) Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
  - (10) Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly, or abnormal masses;
  - (11) Examination of upper and lower extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
  - (12) Examination of the testes to determine the presence and descent of testes, abnormal masses, or configurations, or hernia;
  - (13) Assessment of physiological maturation; and
  - (14) Neurological examination to assess balance and coordination.
- c. The medical report shall indicate whether a pupil is allowed or disallowed to participate in the required sports categories and must be completed and signed by the original examining physician, advanced practice nurse, or physician's assistant. A form that is incomplete shall be returned to the pupil's medical home for completion.
3. Each pupil whose medical examination was completed more than sixty days prior to the first practice session shall provide a health history update of medical problems experienced since the last medical examination. This shall be completed and signed by the parent(s) or legal guardian(s). The health history update shall include the following information:
- a. Hospitalization/operations;



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- b. Illnesses;
  - c. Injuries;
  - d. Care administered by a physician of medicine or osteopathy, advanced practice nurse, or physician's assistant; and
  - e. Medications.
4. Each school district shall provide written notification signed by the school physician to the parent(s) or legal guardian(s) stating approval of the pupil's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the pupil's participation.
  5. A pupil that does not have a completed Athletic Preparticipation Physical Examination Form shall not be permitted to participate.
- D. Medical Examinations - Upon Enrollment Into School
1. The school district shall ensure that pupils receive medical examinations upon enrollment into school. Parent(s) or legal guardian(s) shall be required to provide examination documentation of each pupil within thirty days upon enrolling into school.
  2. When a pupil is transferring to another school, each school district shall ensure that pupil documentation of entry examination is forwarded to the transfer school district pursuant to N.J.A.C. 6A:16-2.4(d).
  3. Pupils transferring into this school district from out-of-State or out-of-country may be allowed a thirty-day period in order to obtain entry examination documentation.
  4. The school nurse shall notify parent(s) or legal guardian(s) of the importance of obtaining subsequent medical examinations of the pupil at least once during each developmental stage, at early childhood (pre-school through grade three), pre-adolescence (grades four through six) and adolescence (grades seven through twelve);



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E. Medical Examinations - When Pupils Apply for Working Papers

1. The school district shall ensure that a pupil receives medical examinations when applying for working papers. Pursuant to N.J.S.A. 34:2-21.7 and 21.8, the school district is responsible for the administration of medical examinations for a pupil pursuing a certificate of employment.
2. A statement of physical fitness shall be signed by the school physician unless the parent(s) or legal guardian(s) elects to obtain the examination at the pupil's medical home.
3. The school district shall not be held responsible for the costs incurred by the parent(s) or legal guardian(s) who elects to obtain the examination at the pupil's medical home.

F. Medical Examinations - For The Purposes Of The Comprehensive Child Study Team Evaluation Pursuant To N.J.A.C. 6A:14-3.4

1. The school district shall ensure that pupils receive medical examinations 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 Pupil 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

1. If a pupil 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 pupil'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.
2. No school staff shall interfere with a pupil 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

Each district Board of Education shall ensure that pupils receive health screenings.



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1. Screening for height, weight, and blood pressure shall be conducted annually for each pupil in Kindergarten through grade twelve.
2. Screening for visual acuity shall be conducted biennially for pupils in Kindergarten through grade ten.
3. Screening for auditory acuity shall be conducted annually for pupils 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 pupils between the ages of ten and eighteen pursuant to N.J.S.A. 18A:40-4.3.
5. Screenings shall be conducted by a school physician, school nurse, physical education instructor, or other school personnel properly trained.
6. The school district shall provide for the notification of the parent(s) or legal guardian(s) of any pupil suspected of deviation from the recommended standard.

Issued:





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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. "Non-certified 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).
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.



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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.
  3. Parent(s) or legal guardian(s) requests for the administration of medication in school must be made in writing and signed by the parent(s) or legal guardian(s).
  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.



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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.
  - b. 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).
  - c. 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.
  - d. 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.



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- e. 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.
- f. 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.
- g. 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.
- 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.

### 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;



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- 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 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;
  4. The parent's 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); and
    - 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.



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### 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).
  - 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 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.



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- 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.
2. Medication will only be administered to pupils in school by the school physician, a certified or non-certified 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).



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### 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;
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: 2 August 2010





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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.
  - 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



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- (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.
2. Policy and Regulation 5331 were developed using a multidisciplinary team that included various school district administrators, teachers, and support staff members.
3. 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.
  - 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).



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4. 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.
- 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.



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- h. 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.
  - 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.



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Management of Life-Threatening Allergies in Schools

### 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.

### 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.



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- 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"; and
- 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.



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## Management of Life-Threatening Allergies in Schools

- 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 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;
- b. Offer professional development for faculty and staff regarding confidentiality to prevent open discussion about the health of specific pupils; and
- 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;



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### Management of Life-Threatening Allergies in Schools

- 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; and
  - 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;
  - 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;





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- 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; and
  - 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; and
  - d. Pupils should notify an adult immediately if they eat something they believe may contain the food to which they are allergic.

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# REGULATION

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Diabetes Management  
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## R 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 glucagons and, if requested by the parent, authorization for the pupil's self-management and care of his/her diabetes; and
  - b. If such a request is made by a pupil's parent, the pupil's physician or advanced practice nurse must provide a signed written certification to the Principal and the school nurse that the pupil is capable of, and has been instructed in, the management and care of his/her diabetes.



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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.
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.



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### 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:
  - a. Performing blood glucose level checks;
  - b. Administering insulin through the insulin delivery system the pupil uses;
  - c. Treating hypoglycemia and hyperglycemia;



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- 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.

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Promotion and Retention  
M

## 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

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 parent(s) or legal guardian(s).
4. In grades Pre-Kindergarten through eight, 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. Classroom teachers shall provide input to the Principal who makes the final decision concerning the promotion or retention of each pupil.

### C. Procedure for Retention or Social Promotion

1. Grades Kindergarten through eight - Classroom teachers must initiate the process by providing to the 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 Assistant Superintendent, then to the Superintendent and ultimately to the Board whose decision is final.

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# REGULATION

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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 a 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 mid point 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. Notices given pursuant to B2 and B3 will be sent home with the pupil.
6. 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.



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Reporting Pupil Progress

### C. Report Card Form

1. The form of report cards will be periodically reviewed in order to ensure that report cards effectively and accurately report pupil progress.
2. Grades will be determined in accordance with Regulation No. 2624.
3. At the elementary level, report cards will report individual academic, personal, and social growth as well as work and study habits.
  - a. The Kindergarten report card will stress the degree of mastery of skill achieved.
  - b. The primary grades report card will record a specific symbol for both effort and degree of mastery of specific skills.
  - c. The intermediate grades report card will record both effort and degree of mastery of specific skills and will include the instructional level achieved by the pupil in reading, spelling, and mathematics.
4. At the middle school and high school levels, report cards will record pupil achievement in academic subjects, as well as the pupil's personal growth and development.
5. Report cards at all levels will record the pupil's absences and tardiness.
6. Report card forms will include space for the classroom or homeroom teacher's personal comments on the pupil's personal growth and development.
7. 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. At the end of the first three marking periods, pupils will hand carry their cards home. A system has been devised so that it will only be necessary to return the envelope to school. Report cards will be mailed home at the end of the fourth marking period.

### E. Parent Teacher Conferences

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

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# REGULATION

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High School Transcripts  
M

## R 5460.1 HIGH SCHOOL TRANSCRIPTS

A transcript is defined as a document for all high school pupils exiting the school district that describes a pupil's progress toward achievement of the New Jersey Core Curriculum Content Standards and other relevant experiences and achievements.

Transcripts for pupils entering ninth grade or pupils planning to graduate from an adult high school in the 2003-04 and following academic years shall contain the following:

1. Applicable state assessments;
2. Applicable English Language assessments;
3. Other evidence of pupil achievement;
4. Evidence of instructional experience and performance in the New Jersey Core Curriculum Content Standards;
5. Evidence of employability skills and work habits, including punctuality, attendance and teamwork;
6. Any structured learning experiences;
7. Any employer/industry certification tests limited to industry based standards;
8. Other information approved by the Board of Education.

Pupil transcripts shall be transmitted within ten calendar days of the time any pupil transfers to another school district or institution.

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Harassment, Intimidation, or Bullying  
Investigation Procedure

M

### R 5512 HARASSMENT, INTIMIDATION, OR BULLYING INVESTIGATION PROCEDURE

The Board of Education authorizes a prompt investigation of reports and violations and complaints of harassment, intimidation and bullying in accordance with the provisions of N.J.S.A. 18A:37-15(b)6.

The following investigation procedure shall be used for all allegations of harassment, intimidation, or bullying:

1. An investigation shall be initiated by the Principal or the Principal's designee within one school day of the report of the incident and shall be conducted by a school's Anti-Bullying Specialist.
  - a. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist in the investigation.
2. The investigation shall be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying.
  - a. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the ten-day period, the school Anti-Bullying Specialist may amend the original report of the results of the investigation to reflect the information.
3. The results of the investigation shall be reported to the Superintendent of Schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
4. The Superintendent of Schools may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
5. The results of each investigation shall be reported to the Board of Education no later than the date of the next Board of Education Meeting following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the Superintendent.



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Harassment, Intimidation, or Bullying  
Investigation Procedure

6. Parents or legal guardians of the pupils who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with Federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.
7. A parent or legal guardian may request a hearing before the Board of Education after receiving the information.
  - a. This hearing shall be held within ten days of the request;
  - b. The Board shall meet in executive session for the hearing to protect the confidentiality of the pupils; and
  - c. At the hearing the Board may hear from the school Anti-Bullying Specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.
8. At the next Board of Education meeting following its receipt of the report, the Board of Education shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than ninety days after the issuance of the Board's decision.
9. A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

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# REGULATION

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Care of School Property  
M

### R 5513 CARE OF SCHOOL PROPERTY

#### A. Teachers' Responsibilities

1. Teachers will exercise judgment in the entrustment of school property to pupils.
2. Teachers will impress upon all pupils the importance of the proper care of school property and instruct pupils in the proper use of school facilities, equipment, instructional materials, and textbooks.
3. Teachers will keep an accurate inventory of textbooks and other materials assigned to their classrooms.

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

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

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

1. Each textbook will be stamped as the property of the Board of Education and marked with a number unique to that book.
2. A label will be affixed to the front of each textbook and will include:
  - a. The name of the Board of Education,
  - b. The name of the school,
  - c. The year in which the book was purchased, and
  - d. The number assigned to the book.



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Care of School Property

3. The following information will also be entered on the label each time the book is issued to a pupil:
    - a. The name of the pupil to whom the book is issued,
    - b. The date on which the book is issued to the pupil,
    - c. The condition of the book when it is issued, and
    - d. The condition of the book when it is returned.
  4. Each classroom teacher will keep a permanent record of the textbooks used in his/her classroom. The record will include all the information listed in C2 and C3.
  5. A lost textbook must be promptly reported to the teacher who issued the book. A replacement textbook will be issued immediately.
  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 pupil.
  7. Pupils must remove covers, loose papers, and markings before returning any textbook.
  8. Fines will be assessed for lost and damaged textbooks in accordance with E.
- D. Care of Textbooks by Pupils
1. Pupils 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 pupils must be protected with an appropriate cover to be supplied by the pupil.
  3. Pupils should not:
    - a. Use pens, pencils, or other implements to mark a place in a textbook;



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Care of School Property

- 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

1. Fines will be assessed as follows for any lost textbook or textbook damaged beyond normal wear.

<u>Loss or damage</u>	<u>Fine</u>
Lost book issued in new condition	80% of list price
Lost book issued in good condition	60% of list price
Lost book issued in fair condition	40% of list price
Lost book issued in poor condition	20% of list price
Broken bindings	\$1
Defaced cover	50 cents
Missing pages	25 cents per page
Loose or torn pages	10 cents per page
Marks not damaging to text	5 cents per page
Marks damaging to text	25 cents per page
Dog-eared pages	10 cents per page
Soil not damaging to text	5 cents per page
Soil damaging to text	25 cents per page
Book so damaged (by water or otherwise) as to be unusable	As for lost books

2. The teacher will inspect each textbook returned and will assess a fine for each lost or damaged book. The teacher will prepare a form in triplicate that includes:
  - a. The name and number of the textbook damaged or lost;
  - b. The name of the pupil;
  - c. The loss or damage to the textbook; and
  - d. The amount of the fine.



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Care of School Property

3. In setting fines the teacher may take into account verified extenuating circumstances.
4. The pupil will take the form to the main office and make payment of the fine assessed. The office staff will sign the form when payment is made.
5. Teachers will not collect fines.
6. Copies of the form will be distributed as follows:
  - a. The office staff will retain one copy for office records.
  - b. The pupil will be given one copy as receipt for the fine.
  - c. The teacher will be given one copy as evidence that the fine has been paid.
7. A pupil who finds their lost textbook will be reimbursed any fine paid for the lost textbook but will be assessed a fine for any damage done to the book.
8. A pupil who has not paid a fine owed will not receive a diploma, transcript, transfer card, or report card until the fine has been duly paid and acknowledged. A high school senior who has unpaid fines may participate in the graduation ceremony but will receive a blank diploma.
9. If fines remain unpaid, the Principal may request payment from the parent(s) or legal guardian(s), notify the pupil's employer, or take such other steps as may be appropriate to ensure that moneys due the district are paid and that the importance of taking responsibility for the consequence of one's acts is instilled.

Adopted:



# REGULATION

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## 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.





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- 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;





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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.



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

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);



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- c. Peer support group;
- d. Corrective instruction or other relevant learning or service experiences;
- 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?



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- 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?
  - 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:



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## R 5530 SUBSTANCE ABUSE

The following procedures are established in implementation of Policy No. 5530, Substance Abuse.

### A. Definitions

1. "Evaluation" means those procedures used by a certified or licensed professional to make a positive determination of a pupil's need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the pupil or the pupil's family.
2. "Intervention" means those programs, services and actions taken to identify and offer help to a pupil at risk for learning, behavior or health difficulties.
3. "Referral for evaluation" means those programs and services offered to a pupil or his or her family in order to make a positive determination regarding a pupil's need for services which extend beyond the general school program.
4. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a pupil. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
5. "Substance" 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 which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
6. "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.



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7. "Under the influence" of substances means that the pupil 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. Pupils found to be under the influence of illegal drugs, alcohol, or other toxic chemical compounds:

- a. Will be suspended as follows: (in same academic year)

First offense                      Five days Alternative Educational placement

Second offense                    Ten days Alternative Educational placement

Third offense and                Suspension until Superintendent's review and/or  
subsequent offenses            Board of Education hearing to consider expulsion

After every offense all pupils found to be positive must have an evaluation by a licensed medical facility or professional and follow the recommendation of said agency before re-entering school.

- b. Will lose co-curricular participation privileges as follows: (in same academic year)

First offense                      One month suspension

Second offense                    Two months suspension

Third offense and                Suspension until Superintendent's review and/or  
subsequent offenses            Board of Education hearing to consider expulsion

External suspensions are included in time frame.

Note: See Athletic Training Rules for athletes.

- c. After the examination by a medical professional for the purpose of diagnosing whether the pupil is under the influence of alcohol and/or other drugs, the pupil may be referred for an:





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- (1) Evaluation by the Child Study Team to determine a pupil's eligibility for special education and/or related services when the pupil has been identified as potentially educationally handicapped;
  - (2) Assessment by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention; and/or
  - (3) Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health.
2. Any pupil found to be in possession of illegal drugs, alcohol, or other toxic chemical compounds:

- a. Will be suspended as follows: (in same academic year)

First offense	Five days Alternative Educational placement
Second offense	Ten days Alternative Educational placement
Third offense and above	Suspension until Superintendent's review and/or Board of Education hearing to consider expulsion

After every offense all pupils found to be positive must have an evaluation by a licensed medical facility or professional and follow the recommendation of said agency before re-entering school.

- b. Will lose co-curricular participation privileges as follows: (in same academic year)

First offense	One month suspension
Second offense	Two months suspension
Third offense and subsequent offenses	Suspension until Superintendent's review and/or Board of Education hearing to consider expulsion

External suspensions are included in time frame.

Note: See Athletic Training Rules Policy for athletes.



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### C. Identification and Remediation of Pupils Involved with Substances

1. Teaching staff members shall be alert to the signs of a pupil's involvement with substances, in accordance with the training offered in in-service training sessions.
2. A teaching staff member who suspects that a pupil is involved with substances, but not under the influence of them, should refer the pupil to the School Nurse, the Substance Awareness Coordinator, a Guidance Counselor, the Child Study Team, or another professional staff member or trained resource person, as appropriate. The staff member shall notify the Principal of the referral; if appropriate, the Principal should notify the pupil's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.
3. When a pupil involved with substances has discussed his/her involvement with a teaching staff member with an expectation of confidentiality, the staff member may respect that confidence. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his/her parent(s) or legal guardian(s). When the staff member believes that the pupil requires professional counseling or intervention that the pupil will not seek on his/her own, the staff member may report the pupil to the Principal, who shall determine whether to notify the pupil's parent(s) or legal guardian(s) and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency for evaluation and possible treatment.

### D. Reporting and Examination of Pupils Under the Influence of Anabolic Steroids

1. Whenever any teaching staff member, certified or non-certified nurse or other educational personnel have reason to believe that a pupil has used or may be using anabolic steroids that person must 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 or the school physician or the Substance Awareness Coordinator.
2. The Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.



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3. The Principal shall arrange for the immediate examination of the pupil by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s). If the physician selected by the parent is not available to perform the examination, the examination will be conducted by the school physician or another physician identified by the Principal. An examination conducted, at parental request, by a physician other than the school physician or another physician identified by the Principal shall not be at the district's expense.
4. The pupil shall be examined as soon as possible for the purpose of determining whether the pupil has been using anabolic steroids.
5. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected or have used or who may be using anabolic steroids. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of anabolic steroids or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.
6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent.
7. If it is determined that the pupil has used anabolic steroids, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall interview the pupil and others, as necessary, for the purpose of determining the extent of the pupil's involvement with and use of anabolic steroids and the possible need for referral for treatment. To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse, as may be appropriate and necessary.
8. If the results of a referral for evaluation have positively determined that the pupil's use of anabolic steroids represents a danger to the pupil's health and well-being, the school staff member(s) identified in 7. above 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 appropriate drug and alcohol licensing board.



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- E. Evaluation and Treatment of Pupils Under the Influence of a Substance Other Than Anabolic Steroids
1. Any educational staff member or other professional to whom it appears that a pupil may be currently under the influence of alcohol or other drugs on school grounds, including on a school bus or at a school-sponsored function, shall report the matter as soon as possible to the Principal and either the certified school nurse, non-certified school nurse, the school physician, or the substance awareness coordinator pursuant to N.J.S.A. 18A:40A-12. In the absence of the Principal, his or her designee shall be notified. In instances where the Principal and either the certified school nurse, non-certified school nurse, the school physician or the substance awareness coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified. The referring staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report, according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.
  2. The Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent and/or designee.
  3. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected to be under the influence of alcohol or other drugs. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
  4. The Principal or designee, in response to every report, must arrange for an immediate medical examination of the pupil for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol, or other drugs, other than anabolic steroids. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy that is selected by the parent(s) or legal guardian(s). If the parent's or legal guardian's physician licensed to practice medicine or osteopathy is not immediately available, the medical examination shall be conducted by the school physician. If neither the parent's or legal guardian's physician nor the school physician is immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination. The pupil shall be accompanied by the pupil's parent(s) or legal guardian(s) if available and by a member of the school staff appointed by the Principal. Parental or legal guardian



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- permission is not required for the school's physician or emergency room examination. The parent(s) or legal guardian(s) may, but is not required to accompany the pupil to the school physician and/or emergency room. The Principal and/or designee will supervise the pupil while the pupil is waiting for the parent(s) or legal guardian(s) to take the pupil to the physician selected by the parent, or waiting for and receiving the examination by the school physician or in the emergency room. An examination conducted by a physician selected by the parent(s) or legal guardian(s) shall be at the expense of the parent and shall not be at the expense of the school district. An examination conducted by the school physician or by a physician at the emergency room of the nearest hospital shall be at the expense of the school district.
5. The school district, in cooperation with the medical professional licensed to practice medicine or osteopathy will establish the minimum requirements to be used for these medical examinations conducted in accordance with N.J.A.C. 6A:16-4.3 et seq. The minimum requirements for the examination will be periodically reviewed and updated as needed. 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.
  6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent within twenty-four hours of the referral of the pupil for suspected drug or alcohol use. The findings of the report shall verify whether the pupil's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
  7. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the parent is required to verify within twenty-four hours of the notification that the pupil is suspected of alcohol or other drug use that the medical examination in accordance with this Policy was performed. The verification shall include, at a minimum, the printed name, address and phone number, date and time of the medical examination, signature of the examining physician and the date by which the written report of the examination will be provided.
  8. If the written report of the examination is not submitted to the parent, Principal or Superintendent within twenty-four hours of the referral of the pupil, the pupil will be allowed to return to school until such time a positive determination of alcohol or other drug use is received from the physician.



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9. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the pupil's physical and mental ability to perform in school, the pupil will be immediately returned to school.
10. If there is a positive determination from the medical examination, indicating the pupil's alcohol or other drug use interferes with his or her physical or mental ability to perform in school the pupil will be returned to the parent's care as soon as possible. Attendance at school will not resume until a written report has been submitted to the parent(s) or legal guardian(s), Principal and Superintendent from the physician who has examined the pupil to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school. The report must verify the pupil's alcohol or other drug use no longer interferes with the pupil's physical and mental ability to perform in school. Removal of a pupil with a disability shall be made in accordance with N.J.A.C. 6A:14.
11. Refusal or failure by a parent/legal guardian to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act pursuant to N.J.S.A. 18A:38-25 and 18A:38-31, and child neglect laws pursuant to N.J.S.A. 9:6-1 et seq., and N.J.A.C. 6A:16-11. Refusal or failure of a pupil to comply with N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.
12. While the pupil is home because of the medical examination or after the pupil returns to school, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall:
  - a. Conduct an alcohol and other drug assessment of the pupil and a reasonable investigation of the situation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse as may be appropriate and necessary, for the purpose of making a preliminary determination of the pupil's need for educational programs, supportive services or treatment which extend beyond the general school program by virtue of the use of alcohol or other drugs by the pupil. The findings of the assessment alone shall not prevent a pupil from attending school; and





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- b. Any substance or evidence of the use of a substance other than a controlled dangerous substance shall be sealed in an appropriate container and labeled with the date, name of the pupil, and name of the school official who conducted the search and found the drug. The evidence shall be locked in a secure place until it is no longer required for a determination of the pupil's involvement with a substance other than a controlled dangerous substance.

### G. Outreach to Parents

1. An outreach program will be provided for the parent(s) or legal guardian(s) of pupils enrolled in the district. The program will be conducted at times, including evenings and weekends, convenient to parent(s) or legal guardian(s) and on school premises or at suitable facilities closer to pupil's residences or parents' workplaces.
2. The parents' outreach program will include:
  - 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;
  - b. Recommendations as to the ways in which parent(s) or legal guardian(s) may enhance, reinforce, and supplement substance abuse instruction;
  - c. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
  - d. Instruction on the identification of the symptoms and behavioral patterns that might indicate a substance abuser;
  - e. Information on the State and local organizations available to assist in the prevention of substance abuse and the early intervention, treatment, and rehabilitation of substance abusers; and
  - f. Review of Board policy and administrative regulations on substance abuse with attention to the role of parents.





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### H. Records

1. Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to Policy No. 8330 regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school.
2. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.
3. If an elementary or secondary pupil involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
  - a. Subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing in the case of a secondary pupil, or to a member of the pupil's immediate family or the appropriate school personnel in the case of an elementary pupil;
  - b. Pursuant to a court order;
  - c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the pupil 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 Youth and Family Services or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary pupil or another child may be an abused or neglected child.

Any disclosure made pursuant to 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 pupil's written consent. The disclosure must be accompanied by a written statement from the



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Superintendent advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by P.L. 1997,362 (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 prevents the Division of Youth and Family Services or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this policy shall be construed as authorizing a violation of any Federal law.

The prohibition on the disclosure of information provided by a pupil 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 pupil 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 Violence, Vandalism and Substance Abuse Incident Report form.

Issued:



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M

## 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 Building 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,

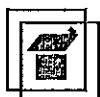


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- d. Assigning the pupil to another teacher,
  - e. Transferring the pupil to another school in the district, and/or
  - f. Referring the pupil to the Child Study Team.
- B. Grades 7 and 8
1. A disaffected pupil in the middle school may be identified 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 Building 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.



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- 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.
- C. Grades 9 - 12
- 1. The disaffected high school pupil may be identified by the following signs:
    - a. A drop in school performance,
    - b. Decreased attentiveness and disinterest in school work,
    - c. Marked irritability, lassitude, and hypersensitivity,
    - d. Evidence of class cutting, excessive absence, and/or truancy,
    - e. An inability to articulate occupational or educational goals, and
    - f. Hostility towards authority figures.
  - 2. The teaching staff member who observes a disaffected pupil will alert the guidance counselor to a possible problem.
  - 3. The guidance counselor will confer with the pupil's teacher, review the pupil's record, and meet with the pupil and his/her parent(s) or legal guardian(s).
  - 4. A remedial program will be recommended by the counselor and approved by the Building Principal. If such a program cannot be defined, the pupil shall be referred to the Child Study Team.

Issued:



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Disruptive Pupils  
M

## R 5560 DISRUPTIVE PUPILS

- A. Grades Kindergarten through 6
1. Any of the following signs may indicate a disruptive pupil in the elementary grades:
    - a. Unsatisfactory grades in citizenship or work habits,
    - b. A worsening negative attitude,
    - c. Disobedience and willful disregard of rules,
    - d. Lack of concern for the rights of others,
    - e. Argumentative behavior and truculence,
    - f. Disregard for authority, or
    - g. Fighting with classmates.
  2. Any of the following steps may be followed, singly or in combination, to deal with the elementary pupil who has been identified as disruptive:
    - a. After-school detention,
    - b. Use of behavior modification as well as other techniques designed to change disruptive classroom displays,
    - c. Intervention by the Principal,
    - d. Parent-teacher conference,
    - e. Suspension, in accordance with Policy No. 5610, and
    - f. Referral to the Child Study Team.
- B. Grades 7 and 8
1. Any of the following signs may indicate a disruptive pupil in the middle school:
    - a. Argumentative behavior and truculence,



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- b. Willful disregard of school rules and lack of concern for others,
  - c. Disrespect for authority figures,
  - d. Excessive absence or truancy,
  - e. Acting-out and/or aggressive behavior, or
  - f. Difficulty with community or law enforcement agencies.
2. Any of the following steps may be used singly or in combination to deal with the disruptive pupil in the middle school:
- a. Detention after school during which time the pupil may be admonished about his/her conduct in the classroom,
  - b. Referral to the school's guidance counselor for counseling,
  - c. Conference among the teacher, guidance counselor, and parent(s) or legal guardian(s),
  - d. Referral to the Vice Principal when the pupil is constantly disruptive or causes major infractions of the school rules,
  - e. In-school suspension during which the pupil is placed under the supervision of a teacher, isolated from the mainstream, and assigned school work to complete,
  - f. Home suspension, in accordance with Policy No. 5610, when other alternatives fail to curb the pupil's disruptiveness, and
  - g. Referral to the Child Study Team.
- C. Grades 9 - 12
1. Any of the following signs may indicate a disruptive pupil in the high school:
- a. Argumentative behavior and truculence,



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- b. Willful disregard of school rules and lack of concern for others,
  - c. Disrespect for authority figures,
  - d. Excessive absence or truancy,
  - e. Acting-out and/or aggressive behavior, and
  - f. Difficulty with community or law enforcement agencies.
2. Any of the following steps may be used singly or in combination to deal with the disruptive pupil in high school:
- a. Detention after school during which time the pupil may be admonished about his/her conduct in the classroom,
  - b. Referral to the guidance counselor for counseling,
  - c. Conference among the teacher, guidance counselor, and parent(s) or legal guardian(s),
  - d. Referral to the Vice Principal when the pupil is constantly disruptive or causes major infractions of the school rules,
  - e. In-school suspension during which the pupil is placed under the supervision of a teacher, isolated from the mainstream, and assigned school work to complete,
  - f. Suspension from school, in accordance with Policy No. 5610, when other alternatives fail to curb the pupil's disruptiveness, and
  - g. Referral to the Child Study Team.

Issued:





# REGULATION

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Pupil Discipline/Code of Conduct  
M

## R 5600 PUPIL DISCIPLINE/CODE OF CONDUCT

### A. Purpose

The purpose of these regulations is to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of pupils;
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 pupil problem behaviors at all stages of identification; and
6. Establish parameters for school responses to violations of the pupil discipline/code of conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the pupil offenders, and pupils' histories of inappropriate behaviors.

### B. Rules of Conduct

1. All pupils are bound by law, policies of the Board of Education, and the administrative regulations of this school district.
2. In addition, pupils shall not:
  - a. Be insubordinate to teachers or other school staff members or disregard their instructions or demonstrate lack of respect for their authority;
  - b. Create disorder or disruptions on school premises;
  - c. Use, threaten, or incite the use of physical force against other pupils, staff members, or visitors to the school;
  - d. Steal, damage, or deface the property of other pupils, staff members, or the district;
  - e. Engage in the sexual and/or other harassment of pupils or staff members;
  - f. Violate codes of conduct adopted for organizations of pupils;



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- g. Possess or use weapons or any implement intended to harm others;
- h. Use foul, abusive, derogatory, or demeaning language, including racial and ethnic remarks;
- i. Convey information about other pupils or staff members known to be false;
- j. Act so recklessly as to endanger the safety of others;
- k. Procure the property of others by threat or intimidation;
- l. Enter school premises or any specific portion of the premises without permission and without authority;
- m. Vandalize school property, real or personal;
- n. Create litter on school property;
- o. Be truant from school or class;
- p. Cheat or otherwise engage in academic dishonesty;
- q. Persistently refuse to complete homework and other assignments;
- r. Engage in illegal gambling;
- s. Smoke on school property;
- t. Falsify an excuse or any school document;
- u. Set fire to or cause a fire in any way on school premises;
- v. Possess or explode a firecracker or other explosive device on school premises;
- w. Sound or cause to be sounded a false alarm for fire, bomb, or other condition or circumstance hazardous to others;
- x. Possess, use, or distribute a substance in violation of Policy No. 5530;
- y. Join a secret society prohibited by law;
- z. Commit an act of harassment, intimidation, or bullying; or
- aa. Engage in any other activity expressly prohibited by a school staff member in authority.



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3. Pupils assigned to a school bus must obey all school rules, and
  - a. Show respect for the driver at all times;
  - b. Enter and leave the bus in an orderly manner;
  - c. Ride only the bus to which they have been assigned;
  - d. Be and remain seated while the bus is in motion;
  - e. Avoid reckless and boisterous activity at all times, including during waits at pickup points;
  - f. Talk in a reasonable tone of voice and avoid loud noises;
  - g. Extend no portion of the body or other object out a bus window;
  - h. Keep aisles clear at all times;
  - i. Refrain from bringing animals or bulky, unmanageable projects onto the school bus;
  - j. Refrain from smoking, eating, and drinking on the bus; and
  - k. Possess, use, or distribute no substance in violation of Policy No. 5530.
  
4. The Building Principal or designee has the right to impose a consequence on a pupil for conduct away from school grounds pursuant to N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the pupil's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other pupils, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2 or when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences shall be handled in accordance with Policy and Regulation 5600, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.5.



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### C. Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the pupil's violation of school rules. The measures are sequential and are organized in order of severity.

#### 1. Admonishment

A school staff member in authority may admonish the pupil for his/her unacceptable conduct and warn the pupil that additional misconduct may warrant a more severe penalty.

#### 2. Temporary Removal from Classroom

- a. The classroom teacher may direct the pupil to report to the office of the administrator in charge of pupil discipline.
- b. The teacher will complete a form that indicates the pupil's name, homeroom, and the conduct that has caused the pupil's removal from the room.
- c. The administrator in charge of discipline will interview the pupil and determine which, if any, additional disciplinary steps are indicated.

#### 3. Deprivation of Privileges

The pupil may be deprived of the privilege of:

- a. Moving freely about the school building,
- b. Participation in co-curricular or inter/intrascholastic activities,
- c. Attendance at a school-related social or sports activity,
- d. Participation in a graduation ceremony, or
- e. Transportation by school bus, or
- f. Any other privilege the Building Principal or designee determines may be appropriate and consistent with Policy 5600 and N.J.A.C. 6A:16-7.1 et seq.



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4. Detention

- a. The pupil may be required to report before or after the school day to detention for a period of supervised study.
- b. Transportation will be the responsibility of the pupil's parent(s) or legal guardian(s).
- c. The pupil may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

5. Grading

A pupil who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence (paragraph B.2.p. and paragraph B.2.q.) may suffer a reduced grade by virtue of the disqualified work. In no other instance may a pupil's grade be lowered as a direct penalty for misconduct.

6. In-school Suspension

- a. The pupil may be removed from his/her regular classes and required to report to an in-school suspension program for supervised study.
- b. In-school suspension is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in Policy and Regulation 5610.

7. Suspension from School

- a. The pupil 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 is a deprivation of the pupil's right to a thorough and efficient education and will not be imposed without the due process set forth in Policy and Regulation 5610.



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## 8. Expulsion

- a. The Board may expel a general education pupil from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.5, and Policy 5620.
- b. Expulsion is an extremely serious disciplinary measure; it deprives the pupil of his/her right to a thorough and efficient education and will not be imposed without the due process set forth in Policies 5610 and 5620.

## D. Remedial Measures

The following remedial measures may be taken to aid in correcting pupil conduct and to ensure that the pupil is properly placed in an appropriate educational environment and is not in need of special education and/or related services.

### 1. Restitution and Restoration

- a. The pupil may be required, to:
  - (1) Make restitution, in kind or cost or labor, for any loss he/she has caused; or
  - (2) Restore to its former condition, by his/her own labor, any property the pupil has damaged or defaced.
- b. A pupil who refuses to make restitution or restoration as directed may be disciplined by one or more of the measures included at paragraph C.

### 2. Counseling

- a. The pupil may be required to consult with school guidance counselors to determine the causes of his/her misconduct and to assess the need for a change in educational placement.
- b. The counselor will explain:
  - (1) Why the pupil's conduct is unacceptable to the school and damaging to the pupil,
  - (2) What the consequences of continued misconduct are likely to be, and
  - (3) Appropriate alternate behaviors.



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- c. The counselor may refer the pupil, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to:
  - (1) The Child Study Team,
  - (2) Intervention and Referral Team,
  - (3) A public or private social agency, or
  - (4) A legal agency.

3. Parent Conferences

The pupil may be required to attend a meeting with his/her parent(s) and appropriate staff members to discuss the causes of the pupil's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

4. Alternate Educational Program

The pupil may be assigned to an alternate educational program as recommended by the pupil's guidance counselor, classroom teacher, Child Study Team, and/or the administrative team.

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

1. Consequences

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

- a. The consequences may include, but are not limited to, the examples listed below:
  - (1) Admonishment;
  - (2) Temporary removal from the classroom;
  - (3) Deprivation of privileges;
  - (4) Classroom or administrative detention;
  - (5) Referral to disciplinarian;



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- (6) In-school suspension during the school week or the weekend;
- (7) After-school programs;
- (8) Out-of-school suspension (short-term or long-term);
- (9) Reports to law enforcement or other legal action;
- (10) Expulsion; and
- (11) Participating in school district-sponsored programs.

## 2. Remedial Measures

Remedial measures shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying.

## F. Chart of Discipline

The Board of Education will approve a Code of Conduct/Chart of Discipline that includes a description of pupil responsibilities with expectations for pupil behavior and a description of school responses to violations of these behavioral expectations that will be graded according to the severity of the defenses, considering the developmental ages of the pupil offenders and the pupils histories of inappropriate behaviors. This Code of Conduct/Chart of Discipline shall be published in Parent/Student Handbooks.

## G. Disciplinary Procedures

1. The Pupil Discipline/Code of Conduct Policy and Regulation 5600 shall be disseminated annually to all school staff, pupils, and parent(s). Principals will distribute these documents to all pupils on the first day of each school year and to transferring pupils on the first day of their enrollment in this district.
2. Teachers and administrators in charge of pupil discipline shall make every effort to administer these rules consistently and fairly.
3. The staff member who disciplines a pupil for conduct shall, however minimal the offense or the discipline,





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- a. Orally inform the pupil of the conduct for which he/she is being disciplined; and
  - b. Offer the pupil an opportunity to deny the charge or to present extenuating circumstances.
4. Where the discipline is greater than an admonishment, the pupil's parent(s) or legal guardian(s) will be notified of the offense and of the discipline imposed and will be offered an opportunity to confer with the Principal.
  5. Where the offense is serious and the discipline greater than detention, every effort will be made to notify the parent(s) prior to the informal hearing conducted in accordance with paragraph F.3.
  6. An in-school suspension, suspension from school, or expulsion will be conducted in strict accordance with law and Policies 5610 and 5620.
  7. Violations of the rules regarding pupil conduct on school buses will be handled as follows.
    - a. The driver will report the offensive conduct to the Principal of the school in which the pupil is enrolled by submission of a completed written form that includes the name of the pupil, the school, and the specific offensive conduct.
    - b. The parent(s) or legal guardian(s) will be notified, by copy of the form, of the pupil's conduct.
    - c. The Principal or designee will determine the discipline to be administered, in accordance with the severity of the infraction.
    - d. When the misconduct is severe, the pupil may be summarily suspended from the bus pending a conference with the parent(s) or legal guardian(s) and further disciplinary action.
- H. Pupils with Disabilities

For pupils with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Educational Improvement Act, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), pupil discipline and the code of conduct shall be implemented in accordance with the components of the applicable plans.



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## I. Pupil Rights

Pupils subject to the consequences of the Pupil 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 pupils' development into productive citizens;
3. Attendance in safe and secure school environments;
4. Attendance at school irrespective of pupils' 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;
6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3; and
7. Protections pursuant to 20 U.S.C. § 1232g and 34 CFR Part 99, Family Educational Rights and Privacy Act; 20 U.S.C. § 1232h and 34 CFR Part 98, Protection of Pupil Rights Amendment; N.J.A.C. 6:3-6, Pupil Records; 45 CFR § 160, Health Insurance Portability and Accountability Act; 20 U.S.C. § 6301, Title IV(A)IV § 4155 of the Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, School-based drug and alcohol abuse counseling; information from participants; disclosure; N.J.A.C. 6A:16-3.2, Confidentiality of pupil alcohol and other drug information; N.J.S.A. 18A:36-19, Creation; Pupil Records: Maintenance and Retention, Security and Access; Regulations; Non-Liability; N.J.A.C. 6A:14-2.9, Student Records; as well as other existing Federal and State laws pertaining to pupil protections.



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Pupil Discipline/Code of Conduct

### J. Records

1. Instances of pupil discipline will be recorded in the pupil's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy No. 8330.
2. When a pupil transfers to a public school district from another public school district, all information in the pupil's record related to disciplinary actions taken against the pupil 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), N.J.A.C. 6A:32-7.5(e)10.iv., and N.J.A.C. 6A:16-7.10.
  - a. The record shall be provided within two weeks of the date that the pupil enrolls in the receiving district.
  - b. Written consent of the parent or adult pupil shall not be required as a condition of the transfer of this information, however, written notice of the transfer shall be provided to the parent or the adult pupil.
  - c. When a pupil transfers to a private school, which includes all sectarian or nonsectarian nonprofit institutional day or residential schools that provide education for pupils placed by their parents and that are controlled by other than public authority, all pupil 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 as such records would be provided by a public school district of residence to another public school district, pursuant to N.J.A.C. 6A:16-7.10(b).
  - d. The Board shall not use a pupil's past offenses on record to discriminate against that pupil.
  - e. All pupil disciplinary records maintained in the district shall conform with the requirements set forth in N.J.A.C. 6A:16-7.10(d).

### K. Annual Report

The Superintendent of Schools shall report annually on the implementation of the Pupil Discipline/Code of Conduct Policy to the Board at a public meeting. The annual summary shall contain, at a minimum:



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1. A numerical inventory of all violations of the pupil behavioral expectations in the Pupil Discipline/Code of Conduct Policy and Regulation;
2. Associated school responses to the violations of the pupil behavioral expectations;
3. An explanation and evidence of the effectiveness of the Pupil Discipline/Code of Conduct Policy and Regulation. The explanation and evidence, at a minimum, shall address:
  - a. The degree of effectiveness of the school district's activities in achieving the purposes of the Pupil Discipline/Code of Conduct Policy and Regulation, pursuant to the purposes as outlined in A. above; and
  - b. The degree and effectiveness of the implementation of the contents of the Pupil Discipline/Code of Conduct Policy and Regulation.
4. Any proposed changes to the school district's current policies, procedures, programs or initiatives, based on the annual report.

Adopted:



# REGULATION

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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
  - c. Knowingly in possession of a firearm on any school property, on a school bus, or at a school-sponsored function.



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## PUPILS

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

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.

#### 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.).



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- 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.
  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.



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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.

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## 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 Randolph 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 Randolph School District.



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## 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 Building Principal. 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 ¶C1; and
  - e. The reasons why those results are not satisfactory.
3. The Building Principal 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 Building Principal 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.
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.



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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.
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.

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## 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.
  - c. An agent or a responsible employee of the school district may have witnessed the harassment.



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- 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.
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.



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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.
  - 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.



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## 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.
- 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).



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- 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.
    - 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.





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- 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.
- 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.



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- (b) Whether the pupil was legally or practically unable to consent to the sexual conduct in question.
1. 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:
    - (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.



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- (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.
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.



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- 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.
- 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.



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## 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.

## 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.

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