

SUSPENSION AND EXPULSION

While the Passaic Board of Education believes that positive approaches to acceptable behavior are usually more effective, it is sometimes necessary to penalize students for violations of school regulations to ensure the good order of the school and to teach students the consequences of disruptive behavior.

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

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

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- steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other students or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;
- S. Harassment, intimidation and bullying.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) with or without a weapon upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The superintendent may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

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

The superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

In-school Suspension

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

General

Students on home suspension shall be counted absent (excused) unless the duration of the suspension

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requires home instruction.

Except when special considerations warrant (at the discretion of the administration), every student will be given a written warning in the form of a disciplinary notice that subsequent violation of school regulations may result in his/her exclusion or suspension.

Students under suspension are prohibited from participating in or attending any school-regulated activity during the period of their suspension. They may not enter the school buildings or grounds of this district without the permission of the superintendent or his/her designee. Any student under suspension who enters the school buildings or grounds without the permission of the superintendent or his/her designee may have the period of his/her suspension extended. The right to continue the suspension or to expel is reserved to the board of education, acting upon the recommendation of the administration.

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

Making up Missed Work

Students who are under suspension will be required to make up all assignments missed during the period of their suspension and will be given adequate opportunity to make up this work.

Upon their readmission, failure to complete the makeup assignments will result in a meeting with the parents/guardians. The superintendent or his/her designee will notify parents/guardians by telephone and send a letter regarding the telephone conversation immediately.

Procedures

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

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

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

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

When the superintendent or his/her designee imposes a suspension, he/she must report it to the board. No suspension for reasons other than assault upon a teacher, administrator, board member or

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other board employee may continue beyond the second regular meeting of the board following the suspension without board action. No suspension for assault upon a teacher, administrator, board member or other board employee may be continued beyond 30 days without board action. A suspended student may be reinstated by the superintendent or his/her designee before board action.

Each student shall be afforded an informal hearing before the suspension or, if circumstances prohibit, as soon as possible after the suspension except that, when extraordinary circumstances involving the health and safety of the student or others in the school require immediate exclusion, the hearing may be delayed to such time as circumstances permit. Students suspended for a period of time longer than a short-term suspension shall be afforded a formal hearing before the board, which shall take place not later than the second regular meeting of the board following the suspension. If the offense involves a weapon or assault with or without the weapon (as described above), the hearing shall take place not later than 30 days after the suspension occurs.

The board shall make a decision within five days of the close of the hearing. Any appeal of the board's decision shall be made to the Commissioner of Education within 90 days of the board's decision.

The board requires that such hearings shall be closed to the public, but should all parties thereto agree, the hearing may be publicly held. Each suspended student who has requested a formal hearing shall be restored to the regular educational program pending the outcome of the hearing, except when, in the opinion of the superintendent or his/her designee, the presence of the student in school poses such a danger to himself/herself or others as to warrant continued absence.

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

Expulsion

The board will consider expulsion only if:

- A. The superintendent with his/her staff have exhausted all means of bringing about a correction of repeated misconduct; or
- B. The nature of a single act presents such a clear possibility of danger to others that immediate definitive action is indicated.

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

The child shall remain out of school until either:

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- A. An appeal made to the superintendent is decided in the child's favor; or
- B. The appeal (if made) has been denied and the board has met to hear the superintendent's recommendation.

If the board determines that the charges, if true, may warrant expulsion, the board will set a date for the hearing. The board attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of evidence in support of the charges at the hearing.

The student must receive:

- A. Notification of the charges against him/her;
- B. The names of the adverse witnesses;
- C. Copies of the statements and affidavits of those adverse witnesses;
- D. The opportunity to be heard in his/her own defense;
- E. The opportunity to present witnesses and evidence in his/her own defense;
- F. The opportunity to cross-examine adverse witnesses; and
- G. The opportunity to be represented by counsel.

Juvenile authorities and law enforcement agencies shall be notified or consulted if necessary.

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

Students with disabilities when necessary shall be expelled according to the Special Education board policy. The board shall not act to expel any student, previously determined to be disabled or who has exhibited behavior that may be considered to be classifiable, before the report of the child study team has been issued to the board.

Implementation

The superintendent shall develop detailed written procedures to implement this policy. He/she shall ensure uniform and consistent application of the policy and shall report to the board as required on its effectiveness.

When an alternative educational program is provided for a student identified as disruptive but not disabled, the superintendent shall inform the board.

SUSPENSION AND EXPULSION (continued)

First Reading: July 25, 2016

Second Reading:

Adopted:

Key Words

Suspension, Expulsion, Student Suspension/Expulsion,

- Legal References:** N.J.S.A. 2C:12-1 Definition of assault
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:37-1 et seq. Discipline of students
See particularly:
N.J.S.A. 18A:37-2.1
 through -2.5, 18A:37-7
 through -12
N.J.S.A. 18A:40A-1 et seq. Substance abuse
See particularly:
N.J.S.A. 18A:40A-9, -10,
 -11, -12
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-1.3, -4.3,
 -5.1, -5.5, -5.6, -5.7
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School District
N.J.A.C. 6A:32-2.1 Definitions
N.J.A.C. 6A:32-12.2 School-level planning
- 20 U.S.C.A. 1400 et seq. - Section 504 of the Rehabilitation Act of 1973
- P.L. 103-382, Improving America's Schools Act of 1994
- Goss v. Lopez, 419 U.S. 565, 581 (1975)
- Tibbs v. Franklin Township Board of Education, 114 N.J. Super. 287 (App. Div.)
 aff'd 59 NJ 506 (1971)
- R.R. v. Shore Reg. Board of Education, 109 N.J. Super. 337 (Ch. Div. 1970)
- H.A. v. Board of Education Warren Hills Regional, 1976 S.L.D. 336

SUSPENSION AND EXPULSION (continued)

82: July 28, C.F. v. Board of Education of the Upper Freehold Regional School District

Honig v. Doe, 484 U.S. 305 (1988)

Somerset County Educational Services Commission v. North Plainfield Board of Education 1999 S.L.D. September 7

State in re G.S. 330 N.J. Super. 383 (Ch. Div. 2000)

P.L. 2010, c.122 amended N.J.S.A. 18A:37-2 to include harassment, intimidation or bullying as a good cause for suspension or expulsion.

See also Commissioners' Decisions indexed under "Students—Punishment of" in Index to N.J. School Law Decisions

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

Possible

- Cross References:**
- *5113 Absences and excuses
 - *5124 Reporting to parents/guardians
 - *5131 Conduct/discipline
 - *5131.1 Harassment, intimidation and bullying
 - *5131.5 Vandalism/violence
 - *5131.6 Drugs, alcohol, tobacco (substance abuse)
 - *5131.7 Weapons and dangerous instruments
 - *6154 Homework/makeup work
 - *6164.2 Guidance services
 - *6164.4 Child study team
 - *6171.4 Special education
 - *6172 Alternative educational programs
 - *6173 Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

SUSPENSION AND EXPULSION

The Passaic Board of Education recognizes the need for every student to have a safe and orderly environment in which to learn. Additionally, the board deems the suspension or expulsion of a student to be a very serious penalty that should be imposed only when the student has materially and substantially interfered with the maintenance of good order in the school, or when it is necessary to protect the student's emotional safety and well-being.

The Passaic Board of Education also recognizes that students have the right to request redress of grievance. Accordingly, a procedure for dealing with individual and group grievances will be provided.

Causes for Suspension/Expulsion

Any student who is guilty of continued and willful disobedience, or of open defiance of the authority of any teacher or person having authority over him/ her, or of the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school (N.J.S.A. 18A:37-2). The following items are examples of continued and willful disobedience that may result in suspension or expulsion:

- A. Continued and willful disobedience;
- B. Open defiance of the authority of any teacher or person having authority over a student;
- C. Actions that constitute a continuing danger to the physical well-being of other students;
- D. Physical assault upon another student, a teacher, or any school employee with or without a firearm or other weapon;
- E. Taking, or attempting to take, personal property or money from another student whether by force or fear;
- F. Willfully causing, or attempting to cause, substantial damage to school property;
- G. Taking part in any unauthorized occupancy of a district facility and refusing to leave promptly when directed to do so by a person in authority;
- H. Inciting others to take part in an unauthorized occupancy;
- I. Inciting other students to truancy;
- J. Truancy and class cutting; leaving school property without permission;

SUSPENSION/EXPULSION (regulation continued)

- K. Poor attendance and lateness;
- L. Use or possession of unsafe or illegal articles;
- M. Use of any tobacco product on school property;
- N. Use, possession or sale of a controlled dangerous substance, drug paraphernalia, anabolic steroids or alcohol;
- O. Use of profanity or abusive language;
- P. Turning in a false alarm;
- Q. Tampering with or damaging property of other students or staff members;
- R. Selling or buying lottery tickets or any other gambling paraphernalia on school property;
- S. Harassment, intimidation and bullying.

Procedure for Suspension

Students may be suspended by the principal or by the assistant principal for any of the reasons listed under "Causes of Suspension/Expulsion."

In cases of suspension, the student will have an informal hearing with the principal or assistant principal. This informal hearing shall include:

- A. Informing the student of the charges against him/her;
- B. Giving the student an opportunity to reply to the charges against him/her.

In most cases, suspension time begins at the end of the school day on the day that the suspension is issued. However, the administration has the right to suspend a student from school immediately when it is determined that waiting until the end of the school day will jeopardize the safety and well being of other students.

The Principal or Assistant Principal will notify the parents/guardians of the suspension by phone and in writing (See File Code No. 5114 Exhibit A). In cases that result in suspension from school, a parent/guardian conference with the appropriate building administrator is necessary before the student may be permitted to return to regular classes.

Principals must report all suspensions to the superintendent and/or his/her designee. The superintendent must report all suspensions to the board of education at the next regular meeting.

SUSPENSION/EXPULSION (regulation continued)Effects of Suspension

A. Short-term suspension (10 days or less)

The effects of a short-term suspension are listed below:

1. Days absent from school which are the result of a suspension will be recorded as excused absences;
2. The student will be able to make-up any class work, test, quizzes, projects, homework, etc., missed during the days of suspension without any penalty to his/her grade. It is the responsibility of the student to approach the teacher to receive the missed assignments. The student will be allowed a number of days to complete these assignments that is equal to the number of days missed due to the suspension;
3. Students will be ineligible to participate in every activity, meeting and school event during the suspension. A student who is ineligible to participate in extracurricular activities because of a suspension may remain ineligible for the balance of the season/activity unless:
 - a. The student and parent/guardian file a written request for a hearing before an administrative committee to show cause why his/her ineligibility should not remain permanent. Such a committee will be composed of at least two administrators, the advisor or coach and the student's guidance counselor. The parent/guardian must be present at the hearing.
 - b. Following the hearing the administrative committee may grant the request of the student and reinstate participation privileges. The administrative committee may also grant the appeal, conditionally, provided that certain conditions relative to student behavior, attendance and academic performances are met. The administrative committee may also deny the request.
 - c. Any student who is suspended twice during a season/activity will remain ineligible for the remainder of the season/activity.
4. At the discretion of the principal, serious misconduct or continued behavior that results in short-term suspension may result in referral to the child study team and/or the student's guidance counselor.
5. Prior to imposing a suspension on a student with an educational disability, the principal shall consult with a member or members of the child study team. At the time of suspension, a written notification and description of the reason(s) for such action to the parents/guardians with a copy to the child study team.
6. When the suspension of an educationally disabled student exceeds a total of 10 school days accumulated in a school year, the child study team shall review the status of that student in order to:
 - a. Determine if the behavior which resulted in the suspension was primarily caused by the student's educational disability;
 - b. Determine if the student's individualized education program is appropriate;
 - c. Prepare and forward to the principal and parents/guardians a written report with recommendations.

SUSPENSION/EXPULSION (regulation continued)

7. Where drugs, alcohol, or any other controlled dangerous substance are involved, certification that the student is not currently using drugs from a doctor shall be required prior the student's return to school.

B. Long-term suspension (more than 10 days)

Long-term suspension results from a student receiving more than 10 consecutive school days may only be authorized by the Superintendent or his/her designee. A long-term suspension may also be given to a student who is involved in an extremely serious offense (e.g., assault, possession or distribution of controlled or dangerous substance).

In addition to the effects of short-term suspension, long-term suspension may include:

1. Referral to the district child study team for evaluations (or re-evaluation for a student classified as having an educational disability). The purpose of the evaluation is for a determination to be made as to whether the student's behavior is primarily caused by his/her educational disability; and
2. Depending on the number of days of suspension, tutoring or home instruction may be provided to the student.

Expulsion General

A suspension is a temporary removal from school, while an expulsion is a permanent exclusion from school. The principal will follow the procedure explained in "B. Long-term Suspension" of this regulation while preparing for an expulsion hearing. In addition the student and his/her parents/guardians will be provided with:

- A. Written notice containing the date and time of the hearing and a statement of the specific charges that justify expulsion. The student will also be informed of his/her right to be represented by an attorney;
- B. A list of witnesses against the student and a written report on the facts to which the witnesses will testify;
- C. An opportunity for the student to present his/her own defense and to produce either by oral testimony or written affidavits of witnesses in his/her behalf; and
- D. An opportunity to confront and cross-examine witnesses.

Expulsion Procedures

- A. The principal, assistant principal, and the teacher shall have exhausted all means of bringing about a correction of the misconduct.

SUSPENSION/EXPULSION (regulation continued)

- B. The parent(s) or guardian(s) of the student shall have been interviewed and advised of:
1. The reason why expulsion is being considered; and
 2. The right of the student to a full hearing which will afford the student procedural due process and of the right of the parent(s) or guardian(s) to appeal to the superintendent and the board.

A written statement of charges shall be given to the student and the parents. At the informal or formal hearing the student has the right to have an attorney present.

- C. After notification of the parent, as identified above in “Expulsion Procedures,” or sooner, the student shall be referred to the child study team to determine if the student is eligible for a special education program or service(s) under N.J.S.A. 18A:46-1 et seq. The child shall be referred to the child study team evaluation in accordance with law (20 U.S.C.A. 1400 et seq., *IDEA*) when the district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The district shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
2. The parent of the child has requested an evaluation of the child pursuant to law; or
3. The teacher of the child, or other personnel of the district, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education or to other supervisory personnel.

- D. Exceptions for Referral to the Child Study Team

1. The district shall not be deemed to have knowledge that the child is a child with a disability if the parent of the child has not allowed an evaluation of the child according to law or has refused services or the child has been evaluated and it was determined that the child was not a child with a disability;
2. If the district does not have knowledge that a child is a child with a disability prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with law.

- E. Limitations

If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted and information provided by the parents, the district shall provide

SUSPENSION/EXPULSION (regulation continued)

special education and related services in accordance with law. Pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

- F. The board of education cannot take action to expel until it is determined that the student is not eligible for programs or services as identified in the sections above. If the student is determined to be a student with a disability, he/she shall be placed in such program, halting the expulsion proceedings;
- G. The superintendent or his/her designee may suspend the student until the child study team has determined that the student is or is not eligible for a special education program or service, and if the student is not eligible the suspension may be extended until the appeal is completed or until the next board meeting, at which time the case will be presented by the superintendent to the board with the superintendent's recommendation for expulsion;
- H. If the board determines that the charges, if true, may warrant expulsion, the board may at that time set a date for a formal hearing;
- I. The board's attorney will arrange for the giving of legal notice to all parties concerned for the preparation and presentation of the evidence in support of the charged at the hearing. The student is entitled to an attorney;
- J. The hearing must be held within 21 days of the informal hearing.

Appeals to the Superintendent and Board of Education

In order to provide for an orderly process regarding the appeal of student disciplinary decisions made by school principals or assistant principals, all appeals to the superintendent and the board of education shall be in writing.

Written appeals of student disciplinary decisions shall state:

- A. The section of the state law, board of education policy, or school discipline code that was violated;
- B. The decision of the school principal and/or assistant principal, and when appropriate, of the superintendent;
- C. The facts and circumstances involved in the disciplinary action;
- D. The reason or reasons why the school principal's, assistant principal's, and/or superintendent's decision should be changed or reversed;
- E. The remedy or solution sought.

SUSPENSION/EXPULSION (regulation continued)

Written appeals shall be submitted to the superintendent. The superintendent will review the appeal and student disciplinary record. The superintendent may:

- A. Grant or deny the appeal. The decision will be based on evidence that a state law, board of education policy or schools discipline code was violated;
- B. Make recommendation for board of education to hear or not hear the appeal;

The superintendent will inform the parents/guardians in writing of his/her decision.

First Reading: July 25, 2016

Second Reading:

Adopted:

DRAFT

Exhibit A

DATE
Parent/Guardian of STUDENT
ADDRESS
Passaic, NJ

RE: Suspension of STUDENT/ STUDENT ID/ GRADE - HOMEROOM

Date of Incident: DATE @ TIME / SCHOOL location

Dear Parent/Guardian,

This will confirm that I have suspended your child from school for a violation of the Code of Student Conduct. Your child is being suspended for INFRACTION.

Pursuant to district policy, we conducted an informal hearing following the incident. Pursuant to N.J.A.C. 6A:16-7, your child was afforded their due process rights. Our determination is that your child violated our Code of Student Conduct, specifically, INFRACTION. A NUMBER-day suspension, to begin on DATE, was imposed at the conclusion of the hearing. I have set the date of readmission to school for DATE, at TIME. Your child must be accompanied by an adult to be readmitted to school. During a suspension, a student is excluded from all extracurricular/ school activities, athletics, and is not permitted on any school property or at any school function without prior approval of the Superintendent.

Unfortunately, students who are suspended lose the benefits of class instruction for a period of time. They do have the responsibility and the opportunity to make up assignments missed following a suspension, within the same time period allowed for any absence from school.

If you have any questions or concerns regarding this suspension, please contact ADMINISTRATOR NAME, ADMINISTRATOR TITLE, at PHONE NUMBER.

Sincerely,

ADMINISTRATOR NAME

CC: OTHER ADMINISTRATOR/STAFF

CODE OF STUDENT CONDUCT

The Board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board of Education expects students to conduct themselves with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment, in keeping with their level of maturity.

The Board of Education believes that standards of student behavior must be set cooperatively by interaction among the students, parents/guardians, staff and community, producing an atmosphere that encourages students to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for district and community property on the part of students, staff and community member, and:

- A. Foster the health, safety and social and emotional well-being of students;
- B. Support the establishment and maintenance of civil, safe, secure, supportive and disciplined school environments conducive to learning;
- C. Promote achievement of high academic standards;
- D. Prevent the occurrence of problem behaviors; establish parameters for the intervention and remediation of student problem behaviors at all stages of identification; and
- E. Establish parameters for school responses to violations of the Code of Student Conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of the student offenders and students' histories of inappropriate behaviors.

The Code of Student Conduct shall include:

- A. A description of student responsibilities that includes expectations for academic achievement, behavior and attendance;
- B. A description of the behaviors that will result in suspensions or expulsion;

C. A description of students' right to:

1. Advance notice of behaviors that will result in suspensions and expulsions;
2. Education that supports students' development into productive citizens;
3. Attendance in safe and secure school environments;
4. Attendance at school irrespective of students' marriage, pregnancy or parenthood;
5. Due process and appeal procedures;
6. Parent notification consistent with the policies and procedures;
7. Student protections pertaining to federal and state laws.

D. A description of comprehensive behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board, including:

1. Positive reinforcement for good conduct and academic success;
2. Supportive interventions and referral services;
3. Remediation of problem behaviors that take into account the nature of the behaviors, the developmental ages of the students and the students' histories of problem behaviors and performance; and
4. For students with disabilities, the behavior interventions and supports as determined and provided as required by special education administrative code;

E. A description of school responses to violations of the behavioral expectations established by the Board that, at a minimum are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors that:

1. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;
2. Are consistent with other responses as established in the various codes;
3. Provide for the equitable application of the Code of Student Conduct without regard to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or by any other distinguishing characteristic;
4. Are consistent with the provision of state statute and administrative code regarding corporal punishment of students;
5. A policy and procedures regarding the attendance of students;
6. A policy and procedures regarding harassment, intimidation, and bullying in accordance to state statute and administrative code; and
7. A current list of community-based health and social service provider agencies available to support a student and the student's family, as appropriate, and a list of legal resources available to service the community.

- F. The due process procedures and policies for students and their families to include the provision as set forth in state statute and administrative code.

The Superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2 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. The Board shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

Board policy requires each student of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules.

The Superintendent shall provide to students and their parents/guardians the rules of this district regarding student conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The standards and procedures to implement this policy shall provide appropriate recognition for students who consistently maintain high standards of self-discipline and good citizenship and ensure the Code of Student Conduct is based on locally determined and accepted core values and is board approved.

The regulations shall:

- A. Require students to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority and respond to those who hold that authority;
- B. Establish the degree of order necessary to the educational program in which students are engaged.

This policy shall be reviewed annually and updated. This process shall include:

- A. Parent, student and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1;
- B. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism

Reporting System.

The Superintendent shall annually:

- A. Disseminate the Code of Student Conduct to all staff, students and parents;
- B. Report on the implementation of the Code of Student Conduct to the board of education at a public meeting in accordance with N.J.A.C. 6A:16-7.1(a) 5, i-iv.
- C. Report to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

Students who display chronic behavioral or academic problems may be referred to the Intervention and Referral Services (I&RS) team by the Superintendent or his/her designee for an evaluation to determine disability or the need for other services. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Students so identified shall be provided with appropriate programs and services as prescribed by the I&RS and/or child study team.

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expelled in accordance with N.J.A.C. 6A:16-7.5, following due process.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a Board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.5. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

Substance Abuse

In accordance with statute and code, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense in accordance with the Drug, Alcohol and Tobacco board policy and the Substance Abuse Policy board policy.

Infractions shall be reported to the local law enforcement agency in accordance with the district's memorandum of agreement. Confidentiality shall be protected in accordance with federal and state law.

Weapons Offenses

For the purposes of this policy, a weapon is defined as anything readily capable of lethal use or of inflicting serious bodily injury, and includes, but is not limited to those items identified in N.J.S.2C:39-1.

Any student who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school-sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The Superintendent may modify this suspension on a case-by-case basis. Each student so removed shall be placed in an alternative education program or on home instruction pending alternative education program placement and shall be entitled to a hearing before the board. The hearing shall take place no later than 30 days following the day the student is removed from the regular education program and shall be closed to the public.

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

The Superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with N.J.A.C. 6A:16-5.5(i).

Teaching staff members and other employees of this board having authority over students shall take such lawful means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this board.

Harassment, Intimidation or Bullying

The Board of Education expects all students to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying. Like other disruptive or violent behaviors, this conduct interferes with a student's ability to learn and a school's ability to educate its students in a safe environment.

The Board prohibits acts of harassment, intimidation or bullying against any student in accordance with the Harassment, Intimidation and Bullying board policy, and law.

“Harassment, intimidation or bullying” is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, gender, a mental, physical or sensory disability, sexual orientation, gender identity or expression, national origin or ancestry, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law that substantially disrupts or interferes with the orderly

operation of the school or the rights of other students, and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or mentally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or mental harm to his/her person or damage to his/her property;
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment by interfering with the student’s education or by severely or pervasively causing physical or emotional harm to the student.

“Electronic communication” means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager.

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

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

Staff shall comply with State and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all students with disabilities.

Implementation

The Superintendent shall ensure that the rules for this policy are applied consistently with N.J.A.C. 6A:16-7 and all applicable laws and regulations and that all disciplinary sanctions are carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

First Reading: July 25, 2016
 Second Reading:
 Adopted:

Key Words

Conduct, Discipline, Student Conduct, Student Conduct, Weapons, Vandalism, Harassment, Intimidation, Bully, Bullying,

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for

	disclosure
<u>N.J.S.A.</u> 2C:12-1	Definition of assault
<u>N.J.S.A.</u> 2C:33-19	Paging devices, possession by students
<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
<u>N.J.S.A.</u> 18A:6-1	Corporal punishment of students
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:25-2	Authority over students
<u>N.J.S.A.</u> 18A:36-19a	Newly enrolled students; records and identification
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Discipline of Students
<u>See particularly:</u>	
<u>N.J.S.A.</u> 18A:37-15	
<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.4, -2.4, -4.1, -5.1, -6.1, -6.2, -7.1 through -7.6	
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school “harassment, intimidation or bullying”

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

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

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners’ Decisions indexed under “Students – Punishment of” in Index to N.J. School Law Decisions

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

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled

that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

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

DRAFT

Possible

<u>Cross References:</u> *1220	<u>Ad hoc</u> advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
4138/4238	Employee protection
*4231/4231.1	Staff development; inservice education/visitation conferences
5000	Concepts and roles in student personnel
5010	Personal goals and objectives for students
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131.1	Harassment, intimidation and bullying
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Student grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

STUDENT DISCIPLINE/CODE OF STUDENT CONDUCT

A school climate and culture that emphasizes cooperation, respect, tolerance and consideration supports student achievement. The following code of student conduct shall be followed by the students of the Passaic Public Schools.

Student Rights

The students of the Passaic Public School shall be afforded the rights to:

- A. Advance notice of behaviors that will result in suspensions or expulsions, according to law N.J.S.A. 18A:37-2 and board policy 5114 Suspension and Expulsion;
- B. An education that supports students' development into productive citizens;
- C. Attendance in safe and secure school environments;
- D. Attendance at school irrespective of students' marriage, pregnancy or parenthood (see board policy 5135 Married and Pregnant Students);
- E. Due process and appeal procedures according to law and board policy including discrimination; suspension and expulsion; harassment, intimidation and bullying; removal for serious and dangerous offenses;
- F. Due process and appeal procedures for students with disabilities according to law and board policy including discrimination; suspension and expulsion; harassment, intimidation and bullying; removal for serious and dangerous offenses and due process and appeal through the administrative law judge regarding identification, evaluation, reevaluation, classification, educational placement, the provision of a free, appropriate public education, or disciplinary action;
- G. Parent notification consistent with law N.J.A.C. 6A:16-6.2(b)3, 7.2, 7.3 and 7.8 and board policy, including suspected child abuse or neglect, law enforcement investigations, short and long-term suspension, and confidentiality related to student records; and
- H. Records and privacy protections pursuant to Federal Family Educational Rights and Privacy Act and State laws and regulations identified at N.J.A.C. 6A:16-7.1(c)3vii, including disciplinary records, alcohol and drug abuse patient records and information, disclosure of juvenile information.

CODE OF STUDENT CONDUCT (continued)Behavioral Expectations

The board expects all students in this district, commensurate with their age and ability, to:

- A. Students shall come to school mentally and physically prepared for the process of learning:
1. Attend school well-nourished, rested, clean and appropriately dressed in compliance with the School Uniforms board policy and the Student Dress Code board policy;
 2. Attend school free of drugs, alcohol and steroids;
 3. Attend school in good health; and
 4. Attend school ready to listen, work and learn.
- B. Students shall respect rights, property, and intellectual and creative products of others. Students shall:
1. Be honest and courteous to others;
 2. Be responsible with school property and the property of other students;
 3. Be tolerant of the beliefs and opinion of other students;
 4. Be respectful of school staff, school officials and school guests;
 5. Seek peaceful solutions to conflict; and
 6. Exhibit good sportsmanship.
- C. Each student shall take responsibility for their own behavior and learning:
1. Cooperate and participate in class;
 2. Do their own work honestly;
 3. Complete classroom and homework assignments on or before the deadline;
 4. Come to class prepared with the required textbooks, materials and supplies; and
 5. Accept the consequences for their own actions.
- D. Students shall use time and other resources responsibly:
1. Attend classes and school each day on time;
 2. Utilize study time and school library/media resources for school work;
 3. Utilize the school computer network and internet appropriately for school work and assignments; and
 4. Protect from damage and maintain in good condition school issued books and equipment.
- E. Students shall cooperate with staff and other students and share responsibilities when working with others:
1. Cooperate with other students on joint assignments and in general;
 2. Participate actively in class;
 3. Demonstrate respect and decorum toward teachers;
 4. Exercise courtesy and tolerance when others are speaking; and
 5. Respect differences of opinion.

CODE OF STUDENT CONDUCT (continued)

F. Students shall meet the requirements of each course of study:

1. Follow directions on assignments, projects and homework;
2. Complete work on time;
3. Hand in work that is organized, neat and readable;
4. Obey the rules of the classroom; and
5. Observe all safety regulations for handling classroom equipment or materials.

G. Communicate with parents/guardians and appropriate school staff members:

1. Discuss your workload, grades and assignments with your parent/guardians;
2. Transmit school letters, forms, permission slips and other materials to your parents/guardians;
3. Ask for and schedule time for extra help when needed; and
4. Utilize school counseling services when you are experiencing difficulty.

Rules of Conduct

Students 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 students, staff members, or visitors to the school;
- D. Steal, damage, or deface the property of other students, staff members, or the district;
- E. Engage in the sexual harassment of students or staff members;
- F. Violate codes of conduct adopted for organizations of students;
- 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 students 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;

CODE OF STUDENT CONDUCT (continued)

- 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 absent for an unexcused reason;
- P. Be late or truant from school or class;
- Q. Cheat or otherwise engage in academic dishonesty;
- R. Persistently refuse to complete homework and other assignments;
- S. Engage in illegal gambling;
- T. Smoke nicotine or non-nicotine substances or use tobacco in any form, including electronic vapors, on school premises;
- U. Falsify an excuse or any school document;
- V. Set fire to or cause a fire in any way on school premises;
- W. Possess or explode a firecracker or other explosive device on school premises;
- X. Sound or cause to be sounded a false alarm for fire, bomb, or other condition or circumstance hazardous to others;
- Y. Possess, use, or distribute a controlled substance in violation of the Substance Abuse board policy;
- Z. Join a secret society prohibited by law, including gangs as identified in the Gangs and Gang-Related Activities board policy;
- AA. Harass, intimidate or bully other students or staff as defined in the Harassment, Intimidation, and Bullying board policy; or
- BB. Engage in any other activity expressly prohibited by a school staff member in authority.

Students may be disciplined as described below in “Disciplinary Measures” for misconduct away from school premises and at school-sponsored events when that conduct interferes administration of the instructional program or jeopardizes the maintenance of order in the school.

CODE OF STUDENT CONDUCT (continued)Conduct on School Buses

Students assigned to a school bus must obey all school rules of conduct and:

- A. Show respect for the bus driver and personnel 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. Wear seatbelts;
- F. Avoid reckless and boisterous activity at all times, including during waits at pickup points;
- G. Talk in a reasonable tone of voice and avoid loud noises;
- H. Extend no portion of the body or other object out a bus window;
- I. Keep aisles clear at all times;
- J. Refrain from bringing animals or bulky, unmanageable projects onto the school bus;
- K. Refrain from smoking, eating, and drinking on the bus; or
- L. Possess, use, or distribute no substance in violation of the Drugs, Alcohol, and Tobacco board policy.

Disciplinary Measures

The following disciplinary measures may be applied as appropriate to the student's violation of school rules.

- A. Warning
 - 1. A school staff member will warn the student for his or her unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty.
 - 2. The staff member will document the conduct that caused the warning.
 - 3. When multiple warnings have been given, or a pattern of behavior has been established, the staff member will contact the parent/guardian.
- B. Administrative Referral

CODE OF STUDENT CONDUCT (continued)

1. The teacher will follow the school protocol to document in writing the date, student's name, homeroom, and the conduct that caused the disciplinary referral, including previous warning(s) and/or contact with the parent/guardian;
2. The administrator in charge of discipline will interview the student and determine which, if any, additional disciplinary steps are indicated.

C. Temporary removal from classroom

3. If the student poses an immediate danger to him or herself, other students, or the teacher, the classroom teacher will direct the student to report to the office of the administrator in charge of student discipline;
4. The teacher will follow the school protocol to document in writing the date, student's name, homeroom, and the conduct that has caused the student's removal from the room;
5. The administrator in charge of discipline will interview the student and determine which, if any, additional disciplinary steps are indicated.

D. Detention

1. The student will be required to report before/after the school day or on a Saturday to a detention room for a period of supervised study;
2. Transportation will be the responsibility of the student's parent;
3. The student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

E. Deprivation of privileges

The student may be deprived of the privilege(s) of:

1. Moving freely about the school building;
2. Participation in extracurricular or intramural and interscholastic activities;
3. Attendance at a school-related social or sports activity;
4. Participation in a graduation ceremony; or
5. Transportation by school bus.

F. Loss of credit

1. A student who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence may suffer a reduced grade by virtue of the disqualified work;
2. A student may lose credit for assignments and/or course grades for unexcused absences and tardiness, as determined by the teacher in consultation with the attendance committee; and
3. Students and parent/guardians shall be notified of a student is in danger of losing credit, such a decision is at the discretion of the school principal.

G. In-school suspension

CODE OF STUDENT CONDUCT (continued)

1. The student will be removed from his or her regular classes and required to report to an in-school suspension program for supervised study as determined by the appropriate school administrator;
2. Students assigned an in-school-suspension will be entitled to due process. The student shall be:
 - a. Informed of the charges;
 - b. Given a chance to reply to the charges.

H. Suspension from school

1. The student will be denied the right to attend school for a period of time as detailed in the Suspension and Expulsion board policy;
2. Students assigned a suspension will be entitled to due process. The student shall be:
 - a. Informed of the charges;
 - b. Given a chance to reply to the charges;
 - c. Provided the opportunity for an informal hearing before the suspension.
3. Suspensions shall be reported to the Superintendent or his/her designee. In addition to the due process rights above, students who are suspended for more than 10 days shall be afforded a formal hearing before the board.

I. Expulsion

1. The student will be required to withdraw permanently from school after the superintendent has exhausted all means to bring about a correction of the repeated misconduct;
2. The expulsion of a student shall be approved by the board and will not be imposed without the due process as detailed in the Suspension and Expulsion board policy; and
3. Expelled students shall not be allowed on school grounds unless accompanied by a parent/guardian.

Remedial Measures

The following remedial measures may be taken to improve student conduct, resolve conflict and ensure that the student is properly placed in an appropriate educational environment.

A. Restitution and restoration

1. The student may be required to make restitution, in kind or cost or labor, for any loss he or she has caused; or
2. Restore to its former condition, by his or her own labor, any property the student has damaged or defaced;
3. A student who refuses to make restitution or restoration as directed may be disciplined according to the code of student conduct.

B. Counseling

CODE OF STUDENT CONDUCT (continued)

1. The student may be required to consult with school support staff including the school guidance counselors, school psychologist, and/or school social worker to process and develop a behavior improvement plan, and when appropriate, to assess the need for a change in educational placement;
2. The school support staff will:
 - a. Clearly communicate the charges;
 - b. Develop a behavior improvement plan with the student;
 - c. Monitor the student's behavior;
 - d. Provide accurate information regarding the disciplinary consequences of continued misconduct;
 - e. Meet with parents/guardians as necessary and appropriate; and
 - f. Keep parents/guardians informed of the student's progress.
3. The counselor may refer the student, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to:
 - a. The Intervention and Referral Services (I&RS) team;
 - b. The child study team;
 - c. A public or private social service agency; or
 - d. A legal agency.

C. Parent conferences

The student will be required to attend a meeting with his or her parent and appropriate staff members to discuss the causes of the student's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

Disciplinary Procedures

- A. Students and parents will be given notice of the rules of conduct and disciplinary procedures as part of the student handbook and as posted on the district website. Building principals shall ensure that each student receives the student handbook containing the code of student conduct at the beginning of each school year. Transferring students shall receive the student handbook upon enrollment in this district;
- B. Teachers and administrators in charge of student discipline shall make every effort to administer these rules consistently and fairly;
- C. Staff members who discipline students for conduct shall:
 1. Verbally inform the student of the conduct for which he or she is being disciplined; and
 2. Offer the student an opportunity to reply to the charge or to present extenuating circumstances;
- D. Students with disabilities may be disciplined according to the Special Education board policy. The discipline shall conform to the code of student conduct when the behavior is not a manifestation of the disability;

CODE OF STUDENT CONDUCT (continued)

- E. In grades kindergarten through 8, where the discipline is greater than a warning, the student's parent will be notified of the offense and of the discipline imposed and will be offered an opportunity to confer with the principal or designee;
- F. For serious offences and the discipline greater than detention, every effort will be made to notify the parent prior to the informal hearing; and
- G. An in-school suspension, suspension from school, or expulsion will be conducted in strict accordance with law and the Suspension and Expulsion board policy.

Educationally Disabled Students

- A. Students with disabilities are subject to this regulation except that no educationally disabled student may be disciplined if the student's behavior is a manifestation of his or her educational disability or the program that is being provided does not meet the student's educational needs.
- B. Before a student with a disability is disciplined, the disciplining staff member must consider the nature of the student's offending behavior in the light of his or her disabling condition and educational needs, except that:
 - 1. The student may be temporarily removed or disciplined only as necessary to abate the peril of physical harm to the student or others or to quell a substantial disruption to the educational process and
 - 2. The student may be disciplined in accordance with any disciplinary component in his or her individualized program.
- C. The suspension of a student with a disability will be conducted according to law and board policy. The district shall provide continuous educational services

Records

Instances of student discipline will be recorded in the student's record according to the Student Records board policy.

First Reading: July 25, 2016

Second Reading:

Adopted:

Policy

HARASSMENT, INTIMIDATION AND BULLYING

The Passaic Board of Education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation or bullying.

The board of education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment.

The standards of character education are an essential component of the Passaic Board of Education Code of Student Conduct board policy. The board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve the above standards of character education.

The board prohibits acts of harassment, intimidation or bullying against any student. School responses to harassment, intimidation and bullying shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school sponsored functions. The superintendent shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school activities and on school buses. In addition, the superintendent shall ensure that this policy is applied to incidents of harassment, intimidation and bullying that are committed off school grounds in cases where a school employee is made aware of such actions.

The superintendent has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and 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.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

“Harassment, intimidation or bullying” is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, or on a school bus, or off school grounds in accordance with state law that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student’s education or by severely or pervasively causing physical or emotional harm to the student.

“Electronic communication” means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager.

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

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student’s history of problem behaviors and performance. Consequences shall be consistent with the Code of Student Conduct board policy and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. The consequences and remedial measures may include, but are not limited to:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
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. Legal action; and
10. Expulsion.

B. Remedial Measures

1. Personal – students exhibiting bullying behavior
 - a. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors;
 - b. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;
 - c. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;
 - d. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
 - e. Meet with school counselor, school social worker, or school psychologist to decipher mental health issues (e.g., what is happening and why?);
 - f. Develop a learning plan that includes consequences and skill building;
 - g. Consider wrap-around support services or after-school programs or services;
 - h. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;
 - i. Arrange for an apology, preferably written;
 - j. Require a reflective essay to ensure the student understands the impact of his or her actions on others;
 - k. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;
 - l. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
 - m. Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and
 - n. Schedule a follow-up conference with the student.
2. Personal – Parent and Family of Student Exhibiting Bullying Behavior
 - a. Develop a family agreement;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- b. Refer the family for family counseling; and
 - c. Offer parent education workshops related to bullying and social-emotional learning.
3. Environmental (Classroom, School Building or School District)
- a. Analysis of existing data to identify bullying issues and concerns;
 - b. Use of findings from school surveys (e.g., school climate surveys);
 - c. Use of focus groups;
 - d. Mailings – postal and email;
 - e. Cable access television;
 - f. School culture change;
 - g. School climate improvement;
 - h. Increased supervision in “hot spots” (e.g. locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);
 - i. Adoption of evidence-based systemic bullying prevention practices and programs;
 - j. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
 - k. Professional development plans for involved staff;
 - l. Participation of parents and other community members and organizations (e.g., Parent Teacher Associations, Parent Teacher Organizations) in the educational program and in problem-solving bullying issues;
 - m. Formation of professional learning communities to address bullying problems;
 - n. Small or large group presentations for fully addressing the actions and the school’s response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions;
 - o. School policy and procedure revisions;
 - p. Modifications of schedules;
 - q. Adjustments in hallway traffic;
 - r. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;
 - s. Modifications in student routes or patterns traveling to and from school;
 - t. Supervision of student victims before and after school, including school transportation;
 - u. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
 - v. Targeted use of teacher aides;
 - w. Disciplinary action, including dismissal, for school staff who contributed to the problem;
 - x. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
 - y. Parent conferences;
 - z. Family counseling;
 - aa. Development of a general harassment, intimidation, and bullying response plan;
 - bb. Behavioral expectations communicated to students and parents;
 - cc. Participation of the entire student body in problem-solving harassment, intimidation, and bullying issues;
 - dd. Recommendations of a student behavior or ethics council;
 - ee. Participation in peer support groups;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- ff. School transfers; and
- gg. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.

Target/Victim Support

A range of strategies and resources will be available to individual victims of harassment, intimidation, and bullying. The district will respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support shall be directly related to the student's perception of safety.

Sufficient safety measures will be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.

A. Support for target/victim

Support for student victims of harassment, intimidation, and bullying may include:

1. Teacher aides;
2. Hallway and playground monitors;
3. Partnering with a school leader;
4. Provision of an adult mentor;
5. Assignment of an adult "shadow" to help protect the student;
6. Seating changes;
7. Schedule changes;
8. School transfers;
9. Before- and after-school supervision;
10. School transportation supervision;
11. Counseling; and
12. Treatment or therapy.

B. Personal remediation for the target/victim

Remedial measures student victims of harassment, intimidation, and bullying may include:

1. Meet with a trusted staff member to explore the student's feelings about the incident;
2. Develop a plan to ensure the student's emotional and physical safety at school;
3. Have the student meet with the school counselor or school social worker to ensure he or she does not feel responsible for the bullying behavior;
4. Ask students to log behaviors in the future;
5. Help the student develop skills and strategies for resisting bullying; and
6. Schedule a follow-up conference with the student.

Classified Students

Classified students are subject to the same disciplinary procedures as nondisabled students and may

HARASSMENT, INTIMIDATION AND BULLYING (continued)

be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

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

Staff

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension, non-renewal, or termination. The consequences and remedial measures may include, but are not limited to:

A. Consequences may include

1. Conference with the supervisor and the victim if appropriate;
2. Corrective action plan;
3. Admonishment such as a letter in the personnel file;
4. Temporary removal from the classroom;
5. Discipline measures such as:
 - a. Withholding of increment;
 - b. Suspension without pay;
6. Legal action;
7. Non-renewal of contract; and
8. Termination.

B. Remedial Measures: Personal

1. Letter of apology;
2. Restitution and restoration;
3. Mediation;
4. Support group;
5. Probationary period in which the supervisor in conjunction with the employee may develop and implement the following:
 - a. Corrective action plan;
 - b. Behavioral assessment or evaluation;
 - c. Behavioral management plan, with benchmarks that are closely monitored.
6. Referral for a psychiatric examination; and
7. Referral for counseling, treatment or therapy.

C. Remedial Measures: Environmental (Classroom and/or School Building)

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
2. School culture change;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

3. School climate improvement plan;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Supervision;
8. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
9. General professional development programs for certificated and non-certificated staff;
10. Professional development plans for involved staff;
11. Disciplinary action;
12. Supportive institutional interventions, including participation of the intervention and referral services team;
13. Conferences;
14. Counseling.

Reporting Harassment, Intimidation and Bullying Behavior

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

The board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying:

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school

HARASSMENT, INTIMIDATION AND BULLYING (continued)

district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

District Anti-Bullying Coordinator

The superintendent shall appoint a district anti-bullying coordinator. The superintendent shall make every effort to appoint an employee of the school district to this position. The district anti-bullying coordinator shall:

- A. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, and bullying of students;
- B. Collaborate with school anti-bullying specialists in the district, the board of education, and the superintendent to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;
- C. Provide data, in collaboration with the superintendent, to the Department of Education regarding harassment, intimidation, and bullying of students; and
- D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the superintendent.

The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

School Anti-Bullying Specialist

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- A. Chair the school safety team;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

School Safety Team

The district shall form a school safety team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying. The school safety team shall meet at least two times per school year.

The school safety team shall be appointed by the principal and consist of the principal or his/her designee who, if possible, shall be a administrator; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- F. Participate in the training required pursuant to the provisions of (N.J.S.A.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address harassment, intimidation, or bullying of students; and
- H. Execute such other duties related to harassment, intimidation, and bullying as requested by the principal or district anti-bullying coordinator.

No parent/guardian who is a member of the school safety team shall:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- A. Receive complaints of harassment, intimidation or bullying of students that have been reported to the principal;
- B. Receive copies of reports prepared after an investigation of a harassment, intimidation or bullying incident;
- C. Identify and address patterns of harassment, intimidation or bullying of students; or
- D. Participate in any other activities of the team which may compromise the confidentiality of a student.

Investigating Reported Harassment, Intimidation and Bullying

All reported incidents of harassment, intimidation and bullying shall be investigated promptly and in accordance with law and the following procedures:

- A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:
 - 1. Taking of statements from victims, witnesses and accused;
 - 2. Careful examination of the facts;
 - 3. Support for the victim; and
 - 4. Determination if alleged act constitutes a violation of this policy.
- B. The 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 anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.
- C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.
- D. The results of the investigation shall be reported to the superintendent within two school days of the completion of the investigation, and in accordance with law and board policy. The superintendent may initiate 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.
- E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:
 - 1. Any services provided;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the superintendent.
- F. The superintendent or his/her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:
1. The nature of the investigation;
 2. Whether the district found evidence of harassment, intimidation, or bullying; or
 3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

Range of Ways to Respond to Harassment, Intimidation or Bullying

The board of education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom; school building; school district) responses include:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community; and
- H. The involvement of law enforcement officers, including school resource officers.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include:

- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

The range of ways in which the school shall respond once an incident of harassment, intimidation or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

Retaliation and Reprisal Prohibited

The board prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation or bullying by any student, school employee, board member, contracted service provider, visitor or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation or false accusation shall be determined by the superintendent and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or

HARASSMENT, INTIMIDATION AND BULLYING (continued)

bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

B. School Employees

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

C. Board Members

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

D. Visitors, Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the superintendent after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Incidents of students engaging in retaliation, reprisal and/or false accusations of harassment, intimidation or bullying shall be investigated according to the procedures herein. If the student is found to be in violation of the board harassment, intimidation and bullying policy, the consequences and remediation shall be the same as detailed above for students.

Consequences and remediation for employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

A. Consequences

1. Removal from the classroom or school;
2. The visitor or volunteer may be banned from school buildings and grounds;
3. Immediate suspension and/or expulsion from classrooms or school property;
4. Termination of volunteer privileges;
5. Legal action.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

B. Remedial measures to reestablish visitor, volunteer, contracted service providers, assembly/board members or all other persons, privileges may include:

1. Conference with the principal or superintendent;
2. Personal action such as a letter of apology;
3. Restitution and restoration.

Visitors, volunteers, contracted service providers, board members or all other persons in violation of this policy shall not be permitted on school property without the approval of the superintendent.

Appeal Process

The parent or guardian may request a hearing before the board after receiving the information from the superintendent regarding the investigation. The hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. 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.

At the next board of education meeting following its receipt of the report, the board 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 law, no later than the 90 days after the issuance of the board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation, or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation, and bullying in accordance with the Core Curriculum Content Standards.

Training

A. School Leaders

Any school leader who holds a position that requires the possession of a superintendent, principal, or supervisor endorsement shall complete training on issues of school ethics, school law, and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include

HARASSMENT, INTIMIDATION AND BULLYING (continued)

information on the prevention of harassment, intimidation, and bullying (N.J.S.A. 18A:26-8.2).

B. Teaching Staff Development

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention, to be provided by a licensed health care professional with training and experience in mental health issues, in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide (N.J.S.A. 18A:6-112).

C. Board Members

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities as required by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the program only once (N.J.S.A. 18A:12-33).

D. Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation, or bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students.

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards.

Reporting to the Board

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the superintendent will report to the board of education all acts of violence, vandalism, and harassment, intimidation, or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of the HIB, and other data required by law.

- A. The number of reports of harassment, intimidation, or bullying;
- B. The status of all investigations;
- C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic;
- D. The names of the investigators;
- E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation, or bullying; and
- F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation, or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 and January 1 and between January 1 and June 30, to the Department of Education. The report shall include:

- A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents); and
- B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

Each school shall post the grade received by the school and the overall district grade on the homepage of the school's website. The district shall post all the grades for each school of the district and the overall district grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

It shall be a violation to improperly release any confidential information not authorized by federal or

HARASSMENT, INTIMIDATION AND BULLYING (continued)

State law for public release.

The superintendent will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting system (EVVRS). The superintendent shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the superintendent shall make a reasonable effort to verify reports of violence, vandalism, and harassment, intimidation, or bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, and harassment, intimidation, or bullying.

Program Assessment and Review

Each school and the school district shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The programs or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying.

Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.

The district shall annually conduct a re-evaluation, reassessment, and review of this policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment, and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision (beginning September 1, 2011).

Publication, Dissemination and Implementation

In publicizing this policy, the community including students, staff, board members, contracted service providers, visitors and volunteers, shall be duly notified that the rules detailed within apply to any incident of harassment intimidation and bullying that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The superintendent shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;
- B. Provide a link to this policy on a prominent place on each school's website;
- C. Distribute this policy annually to all staff, students and parents/guardians; and
- D. Print this policy in any district publication that sets forth the comprehensive rules, procedures and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the district website. Each school within the district shall publish the name, school phone number, school address and school email address of the district anti-bullying coordinator and their school anti-bullying specialist on the home page of the school's website. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the Department of Education's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department of Education's guidance document for the use by parent/guardians, students and district staff to assist in resolving complaints concerning student harassment, intimidation or bullying.

The superintendent shall ensure that the rules for this policy are applied consistently with the district's code of student conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

First Reading: July 25, 2016

Second Reading:

Adopted:

Key Words

Harassment, Intimidation, Bullying, False Accusation, Retaliation, Reprisal, Conduct, Discipline, Student Conduct

<u>Legal References:</u> <u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 10:5-1 et seq.</u>	Law Against Discrimination
<u>N.J.S.A. 18A:6-112</u>	Instruction on suicide prevention for public school teaching staff
<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A:12-33</u>	Training program; requirements
<u>N.J.S.A. 18A:17-46</u>	Reporting of certain acts by school employee;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

<u>N.J.S.A.</u> 18A:25-2	annual report; public hearing (acts of violence)
<u>N.J.S.A.</u> 18A:26-8.2	Authority over students
<u>N.J.S.A.</u> 18A:36-19	School leader defined; training as part of professional development
<u>N.J.S.A.</u> 18A:36-19a	Student records; creation, maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u>	Student records (Newly enrolled students; transfers of records, identification)
<u>N.J.S.A.</u> 18A:37-13 <u>et seq.</u>	Submission of Students to Authority (Discipline)
<u>See particularly:</u>	<u>Anti-Bullying Bill of Rights Act</u>
<u>N.J.S.A.</u> 18A:37-14, -15, -17	Harassment, intimidation, and bullying
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions (students with disabilities)
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to support student development (includes student conduct code)
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.4, -7.1, -7.6, -7.9	
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

Gebser v. Lago Vista Independent School District 524 U.S. 274 (1989) United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX -- requires actual notice and deliberate indifference.

Davis v. Monroe County Board of Education 526 U.S. 629 (1999) United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively offensive."

Saxe v. State College Area School District 240 F.3d 200 (3rd Cir 2001) A Pennsylvania school district's anti-harassment policy was overly broad and therefore violated the Constitutional guarantee of freedom of speech.

L. W. v. Toms River Regional Schools Board of Education 189 N.J. 381 (2007) The New Jersey Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for

HARASSMENT, INTIMIDATION AND BULLYING (continued)

hostile work environment cases. A district will be judged by whether the district's response met the "reasonable person" test: what would a reasonable person (teacher, supervisor, vice principal, principal, etc.) do in a similar situation. School districts will be shielded from liability under NJLAD when their preventive and remedial actions are reasonable in light of the totality of the circumstances.

Possible

<u>Cross References:</u> *1220	<u>Ad hoc</u> advisory committees
*1410	Local units
3517	Security
*3541.33	Transportation safety
*4131/4131.1	Staff development; inservice education/visitation conferences
4148/4248	Employee protection
*4231/4231.1	Staff development; inservice education/visitation conferences
5000	Concepts and roles for students
5010	Goals and objectives for students
*5020	Role of parents/guardians
*5113	Attendance, absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5131	Conduct and discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
*5142	Student safety
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Student grievance procedure
*5145.1	Questioning and apprehension
*5145.1	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Policy

PROMOTION/RETENTION

The Passaic Board of Education recognizes that personal, social, emotional, physical and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth. The standards for student promotion and retention are critical to the success of Passaic students.

The promotion and retention policy will be distributed to parents and students at the beginning of each school year. Standards for student promotion shall be based upon district goals, objectives, New Jersey Curriculum Standards and the accomplishments of students.

Pre-kindergarten students are not eligible for retention. A student in the elementary grades will be promoted to the next succeeding grade level when he or she has made satisfactory progress at the presently assigned grade and has demonstrated proficiency in the state standards required for movement to the next grade. Such progress will be demonstrated through a variety of measurements, including, but not limited to: classwork, summative and formative assessments, state assessments, and student social/emotional development, in accordance with the Grading and Reporting board policy.

A student in the high school will accrue course credits, and be promoted in accordance with the Graduation Requirements board policy.

Parents and students shall be regularly informed regarding progress toward meeting promotion standards. A teacher who determines that a student's progress may not be sufficient to meet promotion standards shall initiate the referral process to the Intervention and Referral Services (I&RS) committee and notify, in writing, the parents and the school principal.

Each school shall convene a retention review committee to assess recommendations for retention, prior to any action on the school's part.

Research conducted in partnership with the Strategic Data Project through the Center for Education Policy Research at Harvard University found that Passaic Public Schools' students retained prior to high school were 27% less likely to graduate high school within 4 years. Consequently, appropriate interventions must be documented before retention is recommended. The school-based retention review committee shall ensure that students in jeopardy of retention have received appropriate district-recommended interventions. All state laws and regulations must be followed before recommending a student with an IEP for retention.

Students identified as at risk for retention who do not demonstrate grade level proficiency may be required to attend the district summer educational program. Students identified for retention, who have attended the program, may be reconsidered for retention at the conclusion of the

PROMOTION/RETENTION (continued)

summer program.

Students in grades 9 through 12 who fail more than one course will be required to attend summer school and/or credit recovery as a part of a program to acquire those credits.

School attendance shall be a significant factor in the determination of a student's promotion or retention, in accordance with the Attendance, Absences, and Excuses board policy.

Classroom teachers shall recommend to the building principal the promotion or retention of each student. Principals and the retention review committee will review recommended retentions to confirm compliance with retention policy guidelines. The principal will notify, in writing, the parent/guardian of a recommendation to retain a student. Parents/guardians and adult students may appeal a retention decision to the Superintendent whose decision shall be final. All appeals must be made no later than ten (10) days after the start of the school year.

If a parent requests a student to be retained, the same process for review, as described above, will be implemented at the school level with the decision to be made by the school principal. Parents must notify the school principal, in writing, no later than forty-five (45) days before the last day of the school year. Parents and adult students may appeal a retention decision to the Superintendent whose decision shall be final.

First Reading: July 25, 2016
 Second Reading:
 Adopted:

Key Words

Promotion, Retention, Bilingual

<u>Legal References:</u> <u>N.J.S.A.</u> 18A:4-24	Determining efficiency of schools; report to state board
<u>N.J.S.A.</u> 18A:7C-2	Boards of education; establishment of standards
<u>N.J.S.A.</u> 18A:35-4.9	Student promotion and remediation; policies and procedures
<u>N.J.A.C.</u> 6A:8-4.1	Statewide assessment system
<u>N.J.A.C.</u> 6A:8-4.2	Documentation of student achievement
<u>N.J.A.C.</u> 6A:8-5.1	Graduation requirements
<u>N.J.A.C.</u> 6A:30-1.1 <i>et seq.</i>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services

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

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

PROMOTION/RETENTION (continued)

Possible

- Cross References:** *5113 Attendance, absences and excuses
*5120 Assessment of individual needs
*5124 Reporting to parents/guardians
*6142 Subject fields
*6142.2 English as a second language; bilingual/bicultural
*6143 Curriculum guides
*6145 Extracurricular activities
*6146 Graduation requirements
6146.1 Acceleration
*6147 Standards of proficiency
*6147.1 Evaluation of individual student performance
*6171.1 Remedial instruction
*6171.3 At-risk and Title 1

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

PROMOTION AND RETENTION (KINDERGARTEN - GRADE 8)

The educational program of the Passaic Public Schools is dedicated to the development of each student to his or her maximum potential.

- A. Although the primary determinant for promotion will be the academic progress of the student, including his/her mastery of the state grade-level curriculum standards or modification(s) thereof, the following factors should also be taken into consideration before deciding grade placements:
1. Student ability and effort;
 2. Previous retentions;
 3. Student attendance;
 4. English language proficiency; and
 5. History of academic interventions and remediation efforts.
- B. Retentions shall be considered:
1. When the student has not met the state grade-level curriculum standards or modification(s) thereof, in accordance with the Grading and Reporting board policy;
 2. Upon recommendation by the Intervention & Referral Services (I&RS) committee and the school-based retention review committee;
 3. When the retention would have a reasonable chance of benefiting the student totally.

Standards for Student Promotion

- A. Curriculum Requirements
Students will be promoted if they have met their course requirements and are progressing in accordance with the district's curriculum, as aligned to the state standards.

Equal emphasis should be placed on both reading skills and math skills. Although the student's academic progress and their ability to meet the state standards are the primary determinants for retention, the recommendations for promotion, as described below, should also be taken into consideration before deciding grade placements.

- B. Promotion
Criteria for promotion includes, but is not limited to:
1. Evidence of satisfactory student performance, including grades; work samples; district assessments and tests, and individual class assignments and tests/assessments will be used to determine student grades in a subject, in accordance with the Grading and Reporting policy. Such coursework may include the following:
 - i. Writing portfolios demonstrating progress over the academic year;

PROMOTION AND RETENTION (regulation continued)

- ii. Benchmark assessments demonstrating satisfactory understanding of grade level standards;
 - iii. Completion of classroom assignments and projects; and
 - iv. Teacher observations and notes relevant to student progress, such as running records and anecdotal notes.
 2. An average of 60, letter grade “D-”, or indication of “Satisfactory Progress/ Meeting Standards” shall be considered a passing grade.
 3. Parents and students will be provided a minimum of four reports each year as to a student's progress towards meeting promotion standards.
- C. Intervention Programming
 1. Intervention opportunities must be offered to students averaging below a 70, or letter grade C-.
 2. Intervention opportunities may be offered during the school day, before or after school, on Saturdays, and/or during the summer.
 3. Students who do not attend the appropriate before or after school, Saturday, or summer intervention programs may not be eligible for promotion.
 4. Participation in intervention programs does not guarantee promotion; and
 5. The retention review committee may include participation in intervention programs as criteria for promotion.
- D. Summer School
 1. Students who do not demonstrate mastery of the state standards in Mathematics and/or English Language Arts (ELA) in accordance with the Grading and Reporting policy will be required to attend summer school.
 2. Attendance at the summer school will not guarantee promotion.
 3. The principal may use student performance in summer school criteria for promotion.
- E. Retention
 1. Every effort should be made to meet individual needs by means of remediation as an ongoing part of the student's educational program as evidenced through appropriate interventions, intervention and referral team files, and review by student support services, including the guidance counselor and/or social worker.
 2. It is not advisable to retain students unable to meet the district's minimum reading standards and the district's minimum mathematics standards when they are demonstrating significant effort, including attendance in before or after school, Saturday, and summer academic programs, working to their abilities, exhibit acceptable attendance patterns and the retention will cause them to be two or more years older than their classmates.
 3. Whenever possible, the principal or his/her designee will inform the parent if the student is being considered for retention by the end of the second marking period or the second half of the course.

PROMOTION AND RETENTION (regulation continued)

4. Principals should confer with the student's teachers, a learning disability specialist, school counselor and/or social worker, and the student's parents prior to finalizing retentions.
5. Students identified for retention will be required to attend the summer academic program, and may have the retention reconsidered at the conclusion of the summer program.
6. When the student has been retained and still functions below the state standards, a request for screening and consultation will be submitted to the child study team. Students who are retained in a grade must have an instructional plan for the following year developed by the retaining teacher(s), in consultation with the Intervention and Referral Services (I&RS) committee.
7. The final decisions for grade placements will be determined by the building principals.
8. The parent/guardian will be notified no later than four (4) weeks prior to the end of the year when the possibility of a student not being promoted is determined.
9. Parents/guardians may appeal a retention decision to the Superintendent, whose decision shall be final. All appeals must be made no later than ten (10) days after the start of the school year.

F. Acceleration

1. Acceleration may include additional and advanced coursework in a student's current grade/classroom or movement from one grade level to a higher grade level.
2. Students must be consistently performing at a minimum of one grade level above their assigned grade in all subject areas, as evidenced by district and/or state curriculum-aligned assessments.
3. Students' social maturity and emotional growth are consistent with the academic grade level for which they are being considered.
4. The principal or his designee will inform the parent as soon as possible if the student is being considered for acceleration.
5. Students evaluated for acceleration must show a consistent attendance record in school and participate in the evaluation assessments determined by the district.
6. Parents/guardians may request that a student is considered for acceleration prior to or within the first ten (10) days of school, at which time the above process will be initiated.
7. A letter of acceptance by the parent/guardian of the change in grade status must be completed and submitted.
8. Parents/guardians may appeal an acceleration decision to the Superintendent, whose decision shall be final.

Attendance

In accordance with the Attendance, Absences, and Excuse policy, students must meet the district requirements for attendance in accordance with state regulations.

PROMOTION AND RETENTION (regulation continued)

Retention Review Committee

Classroom teachers shall provide input to the principal who makes the decision concerning the promotion or retention of each student.

Each school shall convene a retention review committee to assess recommendations for retention, prior to any action on the school's part. The committee shall be made up of the principal and/or assistant principal, teacher(s), and members of the student support services team including the school guidance counselor and/or school social worker.

Principals will make the final determinations relative to grade placements.

First Reading: July 25, 2016
Second Reading:
Adopted:

DRAFT

GRADING AND REPORTING

The Passaic Board of Education shall develop a grading policy that supports high expectations for student success based on rigorous curricula aligned to state standards. The Superintendent, in consultation with the instructional staff, shall establish instructional goals that relate to the essential knowledge and skills for grade-level subjects or courses. These goals shall address the skills necessary for successful performance in the next grade or course sequence.

The Passaic Board of Education encourages the certified staff, under the direction of the superintendent, to employ a comprehensive approach to the use of grades in the monitoring student progress. Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that each student's performance indicates the level of mastery of the designated district goals as aligned to state standards.

The superintendent, in consultation with the instructional staff, shall develop grading and reporting guidelines to be used across all classrooms, grade levels, and schools in grades PreK-12. The guidelines should be clear, easily understood by parents/guardians and students, and able to be applied with consistency of interpretation.

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

Computation of grade-point average and rank in class shall be uniform throughout the district. Evaluation and grading symbols shall be intended to appraise the student's progress toward established goals, and shall be a factor in promotion and graduation decisions.

Testing/Assessment

In addition to testing procedures established in the Assessment of Individual Needs policy, the school district shall establish and maintain a general testing program to:

- A. Improve the instructional program to assist students in achieving the state standards for learning;
- B. Measure the needs and progress of individual students;
- C. Measure the achievement of grade levels;
- D. Allow comparison of district students with national or other norms;
- E. Aid in evaluation of programs.

GRADING AND REPORTING (continued)

The district testing/assessment program shall embody at least the tests/assessments required by state and federal law. The administration shall continually scrutinize the applicability and effectiveness of tests being used in the district.

School personnel shall not use tests, procedures or other guidance and counseling materials that are differentiated or stereotyped on the basis of race, color, creed, religion, marital status, familial status, pregnancy, pregnancy related disability, gender, gender identity or expression, affectional or sexual orientation, ancestry, national origin, nationality, or social or economic status.

Any requests for surveys, student observations, or student questionnaires must be forwarded through the principal to the superintendent for approval before any survey or observation can be conducted. If the survey concerns any of the topics described in statute, the superintendent shall obtain written consent from parents/guardians or the students being surveyed at least two weeks prior to administration of the survey or observation.

The Board shall maintain an accurate record of each student's performance on statewide assessments in accordance with state code and regulations. The contents of a student's cumulative folder, including individual results of all standardized assessments, shall be made available to parents/guardians upon their request, but shall be considered confidential information to be available only to authorized persons. School and district standardized test results shall be discussed in a public meeting.

Parents/Guardians shall be informed of the district assessment program and of any special tests that are to be administered to their children.

Determining Class Rank

The Board authorizes a system of class ranking, by grade point average, for students in grades nine through twelve. All regular day students shall be ranked together. Class rank will be calculated by the final grade(s) in all subjects. The student's grade point average and rank in class will be entered into the student's academic record.

The superintendent shall oversee the development of procedures for determining class ranking that take into account:

- A. Records of transfer students;
- B. Honors and advanced courses.

Academic Dishonesty

A student found to have engaged in academic dishonesty shall be subject to grade penalties in accordance with the Code of Student Conduct policy. Academic dishonesty includes cheating or

GRADING AND REPORTING (continued)

copying the work of another student, plagiarism, and unauthorized communication between students during an examination. The determination that a student has engaged in academic dishonesty shall be based on the judgment of the classroom teacher or supervising professional employee, taking into consideration written materials, observation, or information from students.

Progress Reports

Progress reports may be issued at the mid-point of a marking period by the teacher if a student's performance in any subject is not deemed satisfactory. Progress reports will be required for students in danger of failing a class or classes, in any subject area. All progress reports shall be recorded and communicated using district-approved reporting forms and/or software programs.

Conferences

Parent teacher conferences will be conducted, in accordance with the Reporting to Parents/Guardians policy, to ensure open communication of student progress.

Report Cards

Reports cards shall be issued in accordance with the Reporting to Parents/Guardians policy.

First Reading: July 25, 2016

Second Reading:

Adopted:

Key Words

Evaluation, Student Evaluation, Student Evaluation, Class Rank, Grading, Testing, Examinations

Legal References: N.J.S.A. 18A:7C-3, -4, -6, -6.2
students not meeting

graduation standards

N.J.S.A. 18A:11-1

N.J.S.A. 18A:35-4.9

N.J.S.A. 18A:36-34

N.J.S.A. 18A:54-20

N.J.A.C. 6A:7-1.7

N.J.A.C. 6A:8-1.1 et seq.

See particularly:

N.J.A.C. 6A:8-1.3, -4.1, -5.1

N.J.A.C. 6A:16-1.4(c)

N.J.A.C. 6A:30-1.1 et seq.

Remedial instruction for

General mandatory powers and duties

Student promotion and remediation, policies and procedures

Written approval required prior to acquisition of certain survey information from students

Powers of board (county vocational schools)

Equality in school and classroom practice

Standards and Assessments

District policies and procedures

Evaluation of the Performance of School Districts

GRADING AND REPORTING (continued)

<u>N.J.A.C.</u> 6A:32-2.1	Definitions
<u>N.J.A.C.</u> 6A:32-7.1	Student Records
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

34 CFR 98 - Protection of Student Rights

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

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

Possible

Cross References:

*1000/1010	Concepts and roles in community relations; goals and objectives
*1120	Board of education meetings
*5113	Attendance, absences and excuses
*5120	Assessment of individual needs
*5124	Reporting to parents/guardians
*5125	Student records
*5141.3	Health examinations and immunizations
*6142.6	Basic skills
*6146	Graduation requirements
*6146.2	Promotion/retention
*6147	Standards of proficiency

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

GRADING AND REPORTING

Purpose of Grades

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

Grading of student work will be based on, and aligned to, state standards, and appropriate to the grade level and content area being taught. Grades will provide a mode of communicating student progress toward the state standards. Assignments, tests, projects, classroom activities, and other instructional activities shall be designed so that each student's performance indicates the level of mastery of the designated district goals as aligned to state standards. Grades must be representative of clearly communicated learning expectations and grading criteria. Prior to instruction, students should be informed of the class or course expectations, and the teacher must be prepared to document and explain how a grade/grades were determined.

All grades will be recorded and communicated using district-approved reporting forms and software programs.

Effective Administration, Planning, and Assessment of Curriculum and Instruction

- A. The teacher plans instruction effectively:
 - 1. Has a personal vision of committed, confident learners and uses that vision to guide learning goals, expectations, and standards for student work; and
 - 2. Identifies individual and group needs and plans appropriate strategies.

- B. The teacher plans assessment of student learning effectively:
 - 1. Determines specific and challenging standards for student learning;
 - 2. Develops assessments which describe a student's learning process as well as his/her learning achievements;
 - 3. Appropriately utilizes district common assessments as identified in the curriculum; and
 - 4. Incorporates time for individual and interactive reflection, including response journals, debriefings, and group discussions.

- C. The teacher monitors students' understanding of the curriculum effectively and adjusts instruction, materials, or assessments when appropriate:
 - 1. Regularly uses a variety of formal and informal assessments of students' achievement and progress for instructional revisions and decision-making;

GRADING AND REPORTING (continued)

2. Implements evaluation procedures which appropriately assess the objectives taught; and
 3. Communicates student progress to parents, students, and staff members in a timely fashion using a range of information including portfolios, anecdotal records, and other artifacts.
- D. Teachers are required to enter grades into the district adopted online grading system in a timely fashion. In grades K-3, a minimum of 5 grades should be recorded per week. These grades should represent all content areas, and may be interdisciplinary in nature. In grades 4-6, one (1) grade per subject per week must be recorded and entered. In grades 7 through 12, a minimum of one (1) grade per subject per week must be recorded and entered.
- E. Teachers are required to enter the district common assessment grades as specified in curriculum.
- F. Principals are required to monitor the grades and progress of all students in their schools. Teachers with a failure rate of greater than 15% in any subject area will be required to do the following:
1. Identify causal trends in failure rates;
 2. Develop a plan for struggling students, including opportunities for intervention, remediation, and additional support.

Grading Framework K-12

Across grade levels and content areas, grades provide critical feedback about student learning. Student grades accrued throughout a marking period assess a student's progress toward identified learning goals. Each marking period, a summative grade is developed to provide an overall assessment of student achievement. In order to provide a coherent system of grading across classrooms and schools, all teachers will structure gradebooks to develop summative grades with "Standards-Based Learning Assessments" constituting 70% of the quarterly grade and "Classwork, Academic Habits, and Formative Assessments" constituting 30% of the quarterly grade, as described below:

- A. Standards-Based Learning Assessments: 70%
- Standards-based learning assessments are essential assessments of learning that align with the New Jersey state standards as specified through the Passaic Public Schools content curricula. Expectations include:
1. Teachers will utilize multiple varied assessment opportunities, including, but not limited to assessments included in the district curricula, that measure student proficiency of academic standards, including, but not limited to:
 - i. Mid-unit and unit benchmarks/exams/tests;
 - ii. Lab reports;
 - iii. Products, portfolios, projects, presentations, and performances;
 2. A minimum of four (4) assessments per marking period; and

GRADING AND REPORTING (continued)

3. Mastery criteria for projects or other assignments that are used to evaluate multiple concepts should be clearly communicated to students, using tools such as rubrics or criteria charts.
- B. Classwork, Academic Habits, and Formative Assessments: 30%
- In alignment with the curriculum, there are a wide variety of daily student activities that can be assessed based on student learning and classroom participation and engagement. Such grades shall be recorded on a daily and weekly basis. Types include, but are not limited to:
1. Class work and participation - independent, small group, or whole class;
 2. Homework, journals, quizzes, demonstration of learning (DOL); and
 3. Student self-assessments.
- C. Make-up Work
- Students shall be permitted to make up work missed during an absence in accordance with the Attendance, Absences, and Excuses policy. Students may receive full credit for classwork made up after excused absences or absences due to a suspension from school.
1. A student shall be given, at minimum, two days for every day(s) he/she was absent to make up missed assignments including tests.
 2. Teachers are not required to provide assignments prior to an excused absence, unless requested by the parent/guardian in writing.
 3. Students should not be required, on the day of return to school to take a summative assessment that was announced during the student's absence.
- D. Late Work
- Students must be given at least one opportunity to submit later work not related to an absence. Penalties for late work should not be more than 50% of the total points allotted for the assignment. Grade penalties should be determined at the school level and consistently implemented across the school.
- E. Retesting
1. Students shall be permitted to retake any major test that he/she has failed within five (5) school days the failing grade was received.
 2. The final assessment grade shall be an average of the test grade and original grade received on the retake.
- F. Remediation/Intervention
- Teachers will utilize ongoing mastery assessments to determine which students are in need of remediation and intervention. The use of district assessments, teacher developed quizzes/tests, performance assessments, and teacher-gathered observations will determine which students are not mastering the instructional objectives. Teachers will provide remediation/re-teaching opportunities for all students who do not meet minimum standards.

GRADING AND REPORTING (continued)

Interventions should:

1. Provide frequent reinforcement and review;
2. Occur at the time the student need is identified;
3. Allow the student to progress systematically through content without experiencing frequent and/or extended periods of non-achievement;
4. Offer a variation in instructional approach, uses a new technique, strategies, materials, opportunities for review, and practice; and
5. Include a variety of instructional targeted small-group instruction, tutorials, homework assistance, after school, and summer academic programs.

Grading Guidelines

The purpose of grading is assist students in the process of learning; all grading systems will be subject to continual review and revision. As a part of each grading system identified below, students must be: informed of the expectations and requirements necessary for success; informed of their progress during the course of study; allowed to see grades resulting from their performance in a timely manner; and encouraged to evaluate their own achievements.

A. Pre-Kindergarten

1. Students in pre-kindergarten are not graded, they are assessed with progress indicators. The primary purpose of the assessment of young children is to support learning and assist educators in evaluating the ongoing growth and development of students in order to determine appropriate classroom activities for individuals and groups of children. Assessment may include anecdotal records of children's conversations and behaviors in individual, small- and large-group situations, samples of artwork and drawings, and photographs, recordings or other records of children engaged in activities and play.
2. If a skill has not been introduced, an N/A (Not Assessed) will be placed in the appropriate box.
3. Discussions and decisions about children's learning should be directly linked to a set of clearly defined learning goals.
4. Students will not be retained in pre-kindergarten.
5. Pre-kindergarten student progress reports communicate a student's skill development and progress toward developmental milestones, as documented by the teacher. The progress reports are issued at the conclusion of each district marking period.

Pre-K Progress Indicator Chart

Progress Indicator	Interpretation
+	Student demonstrates skill consistently
✓	Student demonstrates skill, but not consistently
-	Student has not yet demonstrated skill

B. Kindergarten, Grades 1-2

GRADING AND REPORTING (continued)

1. Students in kindergarten through grade 2 will not receive number or letter grades, rather they will be marked using performance indicators to communicate progress in meeting learning goals appropriate to each grade level and each subject area. Standards-based grading measures students' knowledge of grade-level content by reporting the most recent consistent level of performance.
2. Under the categories of English/Language Arts, English as Second Language (ESL), Mathematics, Social Studies, and Science, the categories may be divided into skill groupings. If a skill has not been introduced, an N/A (Not Assessed) will be placed in the appropriate box.
3. Physical Education, Health, Art, Music, World Language, and/or other special area classes will be assessed using performance indicators as described below.
4. Report cards shall include an assessment of non-academic skills including problem-solving, communication, collaboration, student citizenship, and self-direction.
5. Student promotion and retention shall be based on the student's demonstrated mastery of grade-level standards, expectations, and progress, in accordance with the Promotion and Retention policy.
6. In kindergarten through grade 2, teachers will utilize standards-based grading reports to identify how students are performing on a set of clearly defined learning goals. The grades are communicated as performance indicators, noting a student's progress in a specific learning objective. Standards-based grading reports measures students' knowledge of grade-level content by reporting the most recent, consistent level of student performance.

K-2 Performance Indicator Chart

Performance Indicator	Interpretation
E	Excellent Progress/Exceeding Standards
S	Satisfactory Progress/Meeting Standards
I	Improvement Needed/Approaching Standards
NA	Not Assessed

C. Grades 3-5

1. All students will receive a quarterly grade in English/Language Arts (ELA), Mathematics, Science, and Social Studies, and English as a Second Language (ESL) throughout the school year. Each content area will be graded using the framework as described above:
 - i. Standards-Based Learning Assessments: 70%
 - ii. Classwork, Academic Habits, and Formative Assessments: 30%
2. All students will receive a final grade in English/Language Arts (ELA), Mathematics, Science, and Social Studies, and English as a Second Language (ESL) at the conclusion of the school year. Each grade will be calculated by averaging the quarterly grades.
3. Physical Education, Health, Art, Music, World Language, and/or other special area classes will be assessed using performance indicators as described below.

GRADING AND REPORTING (continued)

4. Report cards shall include an assessment of non-academic skills including problem-solving, communication, collaboration, student citizenship, and self-direction.
5. Student promotion and retention shall be based on the student's demonstrated mastery of grade-level standards, expectations, and progress, in accordance with Promotion and Retention policy.
6. The academic grades are not related to the student's effort, conduct, attendance, or tardiness but are based on the student's degree of mastery of learning standards and instructional objectives. The determination of the specific grade a student receives during a grading period is based on the teacher's best judgment after careful and thorough consideration of all aspects of the student's academic performance.

Grade 3-5 Academic Grade Chart
(ELA, Mathematics, Science, Social Studies, ESL)

Grade	Numerical Value	Verbal Interpretation
A	90% - 100%	Exceeding Standards
B	80% - 89%	Meets Standards
C	70% - 79%	Approaching Standards
D	60% - 69%	Improvement Needed
F	59% or below	Unsatisfactory/ Below Standards/ Fail

Grade 3-5 Performance Indicator Chart

Performance Indicator	Interpretation
E	Excellent Progress/Exceeding Standards
S	Satisfactory Progress/Meeting Standards
I	Improvement Needed/Approaching Standards
NA	Not Assessed

D. Grade 6

1. All students will receive a quarterly grade in English/Language Arts (ELA), Mathematics, Science, and Social Studies, and English as a Second Language (ESL) throughout the school year. Each content area will be graded using the framework as described above:
 - i. Standards-Based Learning Assessments: 70%
 - ii. Classwork, Academic Habits, and Formative Assessments: 30%
2. All students will receive a final grade in English/Language Arts (ELA), Mathematics, Science, and Social Studies, and English as a Second Language (ESL) at the conclusion of the school year. Each grade will be calculated by averaging the

GRADING AND REPORTING (continued)

- quarterly grades.
3. Physical Education, Health, Art, Music, World Language, and/or other special area classes will be assessed using performance indicators as described below.
 4. Report cards shall include an assessment of non-academic skills including problem-solving, communication, collaboration, student citizenship, and self-direction.
 5. Student promotion and retention shall be based on the student's demonstrated mastery of grade-level standards, expectations, and progress, in accordance with Promotion and Retention policy.
 6. The academic grades are not related to the student's effort, conduct, attendance, or tardiness but are based on the student's degree of mastery of learning standards and instructional objectives. The determination of the specific grade a student receives during a grading period is based on the teacher's best judgment after careful and thorough consideration of all aspects of the student's academic performance.
 7. Academic grades are used to reflect the student's academic progress. The grade must provide for both parents and students a clear indication of the student's performance. The academic grades are not related to the student's effort, conduct, attendance, or tardiness but are based on the student's degree of mastery of learning standards and instructional objectives. The determination of the specific grade a student receives during a grading period is based on the teacher's best judgment after careful and thorough consideration of all aspects of the student's academic performance.

Grade 6 Academic Grade Chart
(ELA, Mathematics, Science, Social Studies, ESL)

Grade	Numerical Value	Verbal Interpretation
A+	97%- 100%	Exceeding Standards
A	93%- 96%	
A-	90%-92%	
B+	87%- 89%	Meets Standards
B	83%- 86%	
B-	80%- 82%	
C+	77%- 79%	Approaching Standards
C	73%- 76%	
C-	70%- 72%	
D+	67%- 69%	Improvement Needed
D	63%- 66%	
D-	60%- 62%	
F	59% or below	Unsatisfactory/Below Standards/Fail

GRADING AND REPORTING (continued)

Performance Indicator	Interpretation
E	Excellent Progress/Exceeding Standards
S	Satisfactory Progress/Meeting Standards
I	Improvement Needed/Approaching Standards
NA	Not Assessed

E. Grades 7-8

1. Grades will be given for all courses the students are enrolled in during the course of the semester (two marking periods) or full year (four marking periods).
2. All grades will be in the letter format as described below.
3. For each subject, report cards shall include an assessment of skills such as problem-solving, communication, collaboration, student citizenship, and self-direction.
4. Quarterly grades will be graded using the framework as described above:
 - i. Standards-Based Learning Assessments: 70%
 - ii. Classwork, Academic Habits, and Formative Assessments: 30%
5. Student promotion and retention shall be based on the student's demonstrated mastery of grade-level standards, expectations, and progress, in accordance with the Promotion and Retention policy.
6. Academic grades are used to reflect the student's academic progress. The grade must provide for both parents and students a clear indication of the student's performance. The academic grades are not related to the student's effort, conduct, attendance, or tardiness but are based on the student's degree of mastery of learning standards and instructional objectives. The determination of the specific grade a student receives during a grading period is based on the teacher's best judgment after careful and thorough consideration of all aspects of the student's academic performance.

Grade 7-8 Grade Chart

Letter Grade	Grade Average	Grade Point Value
A+	97-100	4.33
A	93-96	4.0
A-	90-92	3.67
B+	87-89	3.33
B	83-86	3.00
B-	80-82	2.67
C+	77-79	2.33
C	73-76	2.00
C-	70-72	1.67
D+	67-69	1.33
D	63-66	1.00
D-	60-62	0.67
F	59 – Below	0.00

GRADING AND REPORTING (continued)

Performance Indicator	Interpretation
E	Excellent Progress/Exceeding Standards
S	Satisfactory Progress/Meeting Standards
I	Improvement Needed/Approaching Standards
NA	Not Assessed

F. Grades 9-12

1. Grades will be given for all courses the students are enrolled in during the course of the semester (two marking periods) or full year (four marking periods).
2. Quarterly grades will be calculated using the framework as described above:
 - i. Standards-Based Learning Assessments: 70%
 - ii. Classwork, Academic Habits, and Formative Assessments: 30%
3. Final grades in full-year academic course (ELA, Mathematics, Science, Social Studies, World Language, and ESL) grades will be calculated with a final exam counting as 10% of the final grade; each marking period will be divided up into equal percentages of 22.5% of the final grade.
4. Final grades in non-academic courses may be calculated with a final exam as described above. Final grades in non-academic courses that do not have a final exam will be calculated with each marking period counting as 25% of the final grade.
5. Final grades in semester courses will be calculated with a final exam counting as 10% of the final grade; each marking period will be divided up into equal percentages of 45% of the final grade.
6. Advanced placement (AP) courses shall be graded using the numerical format identified below. Students who take the AP Exam will not be required to take a final exam and the final grade shall be calculated with each marking period counting as 25% of the final grade. Students enrolled in an AP class that do not take the AP exam will be required to take a final exam and the final grade shall be calculated with a final exam counting as 10% of the final grade; each marking period will be divided up into equal percentages of 22.5% of the final grade. In addition, students who do not take the AP exam will have the course designation changed from Advanced Placement to Honors, with the grade point average (GPA) allocated as identified below.
7. For each course, report cards shall include an assessment of skills such as problem solving, communication, collaboration, student citizenship, and self-direction.
8. Promotion and retention will be determined in accordance with the Graduation Requirements policy.

GRADING AND REPORTING (continued)

Grade 9-12 Grade Chart

Letter Grade	Grade Average	Standard GPA Points	Honors GPA Points	Advanced Placement GPA Points
A+	97-100	4.33	4.67	5.00
A	93-96	4.0	4.33	4.67
A-	90-92	3.67	4.0	4.33
B+	87-89	3.33	3.67	4.00
B	83-86	3.00	3.33	3.67
B-	80-82	2.67	3.00	3.33
C+	77-79	2.33	2.67	3.00
C	73-76	2.00	2.33	2.67
C-	70-72	1.67	2.00	2.33
D+	67-69	1.33	1.67	2.00
D	63-66	1.00	1.33	1.67
D-	60-62	0.67	1.00	1.33
F	59 – Below	0.00	0.00	0.00

Performance Indicator	Interpretation
E	Excellent Progress/Exceeding Standards
S	Satisfactory Progress/Meeting Standards
I	Improvement Needed/Approaching Standards
NA	Not Assessed

E. Additional Information

- For English as a Second Language (ESL) students, the teacher is to identify the level of mastery the student has attained, as described in the English as a Second Language (ESL)/Bilingual Programs policy.
- All teachers will record grades in a numerical form, unless using a performance indicator as described above.
- In order to effectively facilitate the conversion of grades from a 0-100 point scale to a 0-4.33 scale, a grade of 55 is the lowest grade that will be recorded as a marking period, final exam, or final grade. For the purposes of the conversion, the electronic grading system will automatically convert any marking period, final exam, or final grade below a 55 to a 55.
- While 55 is the lowest marking period grade recorded on the report card, teachers may record grades lower than a 55 in their grade book.
- The report card will show grades in a letter form, as aligned to grade chart above.
- The grade point average will be calculated based on the letter grade as identified in the chart above.
- The cumulative grade point average will be calculated at the conclusion of the 9th, 10th, and 11th grades. In 12th grade it will be calculated at the conclusion of the

GRADING AND REPORTING (continued)

- second marking period/first semester and at the conclusion of the school year.
8. Students may request a manual calculation of their grade point average at any time after the first marking period in 9th grade. In order to receive this calculation, students must contact their guidance counselor and follow the appropriate process. This will constitute an unofficial grade point average.
- F. Appeal
1. Each teacher is responsible for the determination of the grade a student receives in the class/course of study.
 2. Each teacher may be required to substantiate a given grade.
 3. If a grade is challenged by a student or parent/guardian, the teacher will convene a conference and explain the grading system and reasons for the grade.
 4. If the student and/or parent/guardian is not satisfied with the outcome of the teacher conference, he/she may appeal the grade to the principal, who will consult with the teacher and the student in an attempt to resolve the dispute. Other professional staff may be included in the review of the grade. The principal will give every reasonable deference to the teacher's professional judgment.
 5. After the principal has conducted a thorough review of the grade in question, and if a determination is made that the grade should be changed by the principal, the principal shall inform the student, parent, teacher, and Assistant Superintendent of Schools of the change in writing and the reasons for the change.
 6. No reprisals will be taken in any form against a teacher who remains determined in his/her belief that the grade originally given is fair and correct.

Academic Grade Description Grades 3-5

A

A grade of A (90 - 100%) indicates that the student has exceeded expectations for academic performance in the learning standards. The student has mastered skills well above those required for successful completion of the instructional program and has demonstrated an understanding of and ability to utilize the content of the program effectively. A grade of "A" reflects that the student has met and exceeded all of the instructional objectives established for the subject/course during the grading period.

B

A grade of B (80% - 89%) indicates that the student has demonstrated good but not excellent achievement in the subject/course. The student consistently performs at a level above that meets standards. The student has mastered content skills beyond those required for successful completion of the instructional program. The "B" student will be progressing at a rate that will enable him/her to have achieved virtually all of the instructional objectives established for the subject/course being graded.

C

GRADING AND REPORTING (continued)

A grade of C (70% - 79%) indicates the student has demonstrated a satisfactory level of achievement in the subject/course, performing at level that is approaching learning standards. The student may qualify for mandatory remediation, including summer school.

D

A grade of D (60% - 69%) indicates the student is partially meeting standards in the subject/course and that improvement is needed to achieve a satisfactory level of academic performance. The student's rate of progress is such that only minimal instructional objectives will be mastered. The student may qualify for mandatory remediation, including summer school.

F

A grade of F (59% and below) indicates a level of academic performance that is unsatisfactory. Students functioning at this level are not mastering the minimal instructional objectives required in the regular academic program. The student may qualify for mandatory remediation, including summer school. The student will be considered for retention in accordance with the Promotion/Retention policy.

Academic Grade Description Grades 6-12**A+, A, A-**

A grade of A- (90-92%), A (93-96%), or A+ (97-100%) indicates that the student has exceeded expectations for academic performance in the learning standards. The student has mastered skills well above those required for successful completion of the instructional program and has demonstrated an understanding of and ability to utilize the content of the program effectively. A grade of "A" reflects that the student has met and exceeded all of the instructional objectives established for the subject/course during the grading period.

B+, B, B-

A grade of B- (80-82%), B, (83-86%), or B+ (87-89%) indicates that the student has demonstrated good but not excellent achievement in the subject/course. The student consistently performs at a level above that meets standards. The student has mastered content skills beyond those required for successful completion of the instructional program. The "B" student will be progressing at a rate that will enable him/her to have achieved virtually all of the instructional objectives established for the subject/course being graded.

C+, C, C-

A grade of C- (70-72%), C (73-76%), or C+ (77-79%) indicates the student has demonstrated a satisfactory level of achievement in the subject/course, performing at level that is approaching learning standards. The student may qualify for mandatory remediation, including summer school.

D+, D, D-

A grade of D-, (60-62%), D (63-66%), or D+ (67-69%) indicates the student is partially meeting standards in the subject/course and that improvement is needed to achieve a satisfactory level of academic performance. The student's rate of progress is such that only minimal instructional

GRADING AND REPORTING (continued)

objectives will be mastered. The student may qualify for mandatory remediation, including summer school.

F

A grade of F (59% and below) indicates a level of academic performance that is unsatisfactory. Students functioning at this level are not mastering the minimal instructional objectives required in the regular academic program. The student may qualify for mandatory remediation, including summer school. The student will be considered for retention in accordance with the Promotion/Retention policy.

I

A grade of I (Incomplete) indicates performance insufficient to permit an evaluation. Grade 6-12 school students performing at this level may have their grade adjusted upon presentation of the required assignments. An incomplete grade for a year or semester course must be resolved no later than one marking period following the incomplete grade, or prior to the end of the school year. The principal may approve an extended timeline in extenuating circumstances.

M

An M indicates medically excused from participation and performance insufficient to permit an evaluation. Requirements for making up or repeating the course will be determined on a case-by-case basis. An "M" is not eligible for a grade or for credits and will not be included in the calculation of the GPA.

High School Ranking

A. Calculation of Rank

All high school students will be ranked at the conclusion of the junior year (11th grade), the end of the second semester of the senior year (12th grade), and at the conclusion of the senior year (12th grade), prior to graduation through the following procedure:

1. For the purposes of computing class rank, all courses will be calculated using the GPA points identified in the chart above.
2. Double periods are to be considered equivalent to two subjects; triple periods equivalent to three subjects.
3. Division of the computation should be carried out to two place values and rounded to a single decimal place.
4. The general rank will be recorded on the final transcript.
5. Any two or more students whose computed grade point averages are identical will be given the same rank. The rank of the student who immediately follows a tied position will be determined by the total number of all preceding students, not by the rank of the immediately preceding student.
6. The valedictorian and salutatorian of the graduating class will be determined by the ranking. Students entering Passaic High School with more than 60 credits will not be eligible for the title of valedictorian or salutatorian.
7. The class ranking of a student who has transferred to Passaic High School will

GRADING AND REPORTING (continued)

include the grades earned in the prior high school and weighted using the chart above.

B. Releasing Class Rank

1. A student may obtain their rank in class and average GPA by submitting a written request to their respective guidance counselor.
2. No class rank or GPA information shall be shared with a third party without the written approval in accordance with board policy regarding student records.

Additional Information

A. High School Transcripts

A student's transcript is the official record of the student's high school credits, final grades, and exams. An official transcript contains a signature and a stamp by authorized personnel, and sealed in an envelope to ensure authenticity. Unofficial transcripts may be provided to the students by their guidance counselors upon the request of the student and/or parent/guardian.

a. Obtaining Official Transcripts:

- i. Former students may request a transcript in person or by mail. Such a request will require proof of identity via a government-issued identification. In addition, the requestor must complete the appropriate forms designated by the school to request a copy of the official transcript and pay any costs associated with the transcript request.
- ii. Current students over 18 or parents/guardians of current students may request a transcript. The requestor must complete the appropriate forms designated by the school to request a copy of the official transcript.

Recognition ceremonies for graduating high school students will be led by the school principal.

First Reading: July 25, 2016

Second Reading:

Adopted:

SUMMER SESSION

The superintendent may develop a summer session on an annual basis, as funded through the annual budget, for students in kindergarten through grade 12 and may include:

1. Intervention and remediation courses for students who have not demonstrated satisfactory progress during the preceding academic year, or have demonstrated academic need in one or more areas. Students may be required to attend such courses in order to be considered for promotion in accordance with the Promotion/Retention board policy. High school students may be required to attend such courses in order to be granted credit toward graduation in accordance with the Graduation Requirements board policy.
2. Advanced credit courses for students who wish to take a course or subject not previously taken in an approved school district program and for which additional credits may be awarded upon successful completion of the course.
3. Enrichment courses are not related to the curriculum of the regular school program and is not eligible for credit.

Registration for summer programs shall be free for all students of Passaic Public Schools. Students who are residents of the City of Passaic, but not enrolled in Passaic Public Schools, may be eligible, at the discretion of the Superintendent to participate in identified courses. Tuition will be charged for students who are not residents of the City of Passaic at an amount set by the Board.

The superintendent shall develop regulations for the summer school that include provision for appropriate planning, proper staffing, student assignments, student attendance and records, award of credit, and the utilization of facilities. Such regulations for the operation of the summer session shall be consistent with the rules of the State Board of Education and Board policies. The operation of the summer session shall not conflict in any way with the administration of the regular school session of this district.

First Reading: July 25, 2016

Second Reading:

Adopted:

Key Words

Summer, Remediation, Enrichment

GIFTED AND TALENTED (continued)

Legal References:

N.J.S.A. 18A:11-15	Tuition charge for certain summer courses
N.J.S.A. 18A:54B et seq.	Summer School Enrichment Programs
N.J.A.C. 6A:32-10.1	Summer School Sessions- General
N.J.A.C. 6A:32-10.2	Costs and Tuition
N.J.A.C. 6A:32-10.3	Staffing
N.J.A.C. 6A:32-10.4	Student Assignment and Credit

*Indicates policy is included in the Critical Policy Reference Manual.

DRAFT

Regulations

SUMMER SESSION

A. Definitions

1. “Summer Session” means the instructional program operated by Passaic Public Schools after the conclusion of the regular school year and prior to the opening of the following school year, typically held during the summer months of July and August.
2. “Intervention and remediation course” means any course or subject that is a review of a course or subject the student has already taken and for which credit may be earned.
3. “Advanced credit course” means any course or subject the pupil has not previously taken in his/her approved school program and for which credit may be earned.
4. “Enrichment course” means any course or subject that is not related to the curriculum of the regular school program and is not eligible for credit.

B. Instructional Program

1. Summer school will be conducted and staffed in accordance with state law and regulations.
2. Principals will identify students in need of intervention, remediation, and at risk of retention.

C. Staffing

1. Summer session positions will be posted and filled in accordance with district practice and state code governing summer session staffing.
2. Principals will serve as the primary administrator responsible for supervising instruction during the Summer Session.
3. Summer session teachers will be bound by all Board policies applicable to instruction and teacher responsibility.

D. Operations

1. The district will set the calendar of summer school instruction.
2. The calendar will include the daily hours of the summer school session.

SUMMER SESSION (continued)

E. Student Eligibility

1. Student eligibility for intervention and remedial classes will be in accordance with the Promotion/Retention board policy. Such students may be identified at risk for retention based on attendance, academic performance, or other factors identified by the student's teacher(s).
2. Intervention and remedial classes are only open to students enrolled in Passaic Public Schools. Parents may choose to enroll their child in intervention and remedial course. They are strongly encouraged to consult with their child's teacher prior to enrolling their child in such a course.
3. Advanced credit courses will be open to any Passaic Public Schools student expressing interest and committed to attending all of the time identified for the coursework. Residents of the City of Passaic, but not current Passaic Public Schools students, may be eligible to attend advanced credit courses with the approval of the Superintendent. Students residing outside of the City of Passaic may enroll in such courses with the approval of the Superintendent, and will be charged a fee consistent with the Summer Session board policy. Students of Passaic Public Schools will take precedence in course placement and enrollment.
4. Enrichment courses in the summer school are open to all Passaic Public Schools students. Residents of the City of Passaic, but not current Passaic Public Schools students, may be eligible to attend enrichment courses with the approval of the Superintendent. Students residing outside of the City of Passaic may enroll in such courses with the approval of the Superintendent, and will be charged a fee consistent with the Summer Session board policy. Students of Passaic Public Schools will take precedence in course placement and enrollment.

F. Student Conduct

1. Summer session students will be governed by the code of student conduct established for students in the regular school session.
2. Attendance in summer session is a privilege, and students who violate the code of student conduct may be subject to discipline in accordance with school board policy and may be dismissed from the summer program.
3. During the summer session, students will not be required to wear uniforms, unless a specific program requires them to do so. The code of student conduct requires that students wear clothes suitable for a school environment.

G. Grading and Credit

SUMMER SESSION (continued)

1. Student work will be graded in accordance with the Grading and Reporting board policy.
2. The award of credit will be based on meeting the requirements of the course in accordance with state regulations and board policy.
3. Attendance in the summer session for the purposes of remediation will not guarantee promotion.
4. At the conclusion of the summer session for intervention, remedial, and advanced credit courses, parents will receive a report regarding the student's academic performance.

H. Records

1. For students who participate in intervention and remediation courses or advanced courses, a record of the students' participation in the program will be included in the students' academic record.

First Reading:
Second Reading:
Adopted:

July 25, 2016