

REGULATION GUIDE

PROGRAM
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Bilingual and ESL Education
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R 2423 BILINGUAL AND ESL EDUCATION

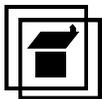
A. Definitions (N.J.A.C. 6A:15-1.2)

1. **“Alternate English language proficiency assessment” (alternate ELP assessment) means a New Jersey Department of Education-approved assessment for students with the most significant cognitive disabilities that assesses a student’s English language proficiency on the four domains of listening, speaking, reading, and writing, and that is aligned with the State’s academic achievement standards, as permitted under the Every Student Succeeds Act (ESSA) and the Individuals with Disabilities Education Act (IDEA).**
2. **“Bilingual education program” means a full-time program of instruction in all courses or subjects that a child is required by law or rule to receive, given in the native language of English language learners (ELLs) enrolled in the program and also in English; in the aural comprehension, speaking, reading, and writing of the native language of ELLs enrolled in the program, and in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or geographic area that is the native land of the parents of ELLs enrolled in the program, and in the history and culture of the United States.**
3. **“Bilingual part-time component” means a program alternative in which students are assigned to mainstream English program classes, but are scheduled daily for their developmental reading and mathematics instruction with a certified bilingual teacher.**
4. **“Bilingual resource program” means a program alternative in which students receive, on an individual basis, daily instruction from a certified bilingual teacher in identified subjects and with specific assignments.**
5. **“Bilingual tutorial program” means a program alternative in which students receive one period of instruction from a certified bilingual teacher in a content area required for graduation and a second period of tutoring in other required content areas.**



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6. “Dual-language bilingual education program” means a full-time program of instruction in elementary and secondary schools that provides structured English language instruction and instruction in a second language in all content areas for ELLs and for native English speaking students enrolled in the program.
7. “Educational needs” means the particular educational requirements of ELLs; the fulfillment of which will provide them with equal educational opportunities.
8. “English as a second language (ESL) program” means a daily developmental second-language program of at least one period of instruction based on student language proficiency **that** teaches aural comprehension, speaking, reading, and writing in English using second language teaching techniques, and incorporates the cultural aspects of the students’ experiences in their ESL instruction. A period is the time allocated in the school schedule for instruction in core subjects.
9. “English language development standards” means the 2012 Amplification of the English Language Development Standards, Kindergarten - Grade 12, incorporated herein by reference, as amended and supplemented, developed by the World-Class Instructional Design and Assessment (WIDA) Consortium. They are the standards and language competencies ELLs in preschool programs and elementary and secondary schools need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic subjects. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium (www.wida.us) and are available for review at <http://www.wida.us/standards/eld.aspx>.
10. “English language learner” or “ELL” means a student whose native language is other than English. The term refers to students with varying degrees of English language proficiency in any one of the domains of speaking, reading, writing, or listening and is synonymous with limited English speaking ability as used in N.J.S.A. 18A:35-15 to 26.
11. “English language proficiency **assessment**” (**ELP assessment**) means a **New Jersey Department of Education-approved assessment that evaluates a student’s English language proficiency on the four domains of listening, speaking, reading,**



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and writing, **and that is aligned with the State’s academic achievement standards as permitted under ESSA.**

12. “English language services” means services designed to improve the English language skills of ELLs. The services, provided in school districts with less than ten ELLs, are in addition to the regular school program and are designed to develop aural comprehension, speaking, reading, and writing skills in English.
13. “Exit criteria” means the criteria that must be applied before a student may be exited from a bilingual, ESL, or English language services education program.
14. “High-intensity ESL program” means a program alternative in which students receive two or more class periods a day of ESL instruction. One period is the standard ESL class and the other period is a tutorial or ESL reading class.
15. “Instructional program alternative” means a part-time program of instruction that may be established by a Board of Education in consultation with and approval of the New Jersey Department of Education (**Department**). All students in an instructional program alternative receive English as a second language.
16. “Native language” means the language **or mode of communication normally used by a person with a limited ability to speak or understand the English language. In the case of a student, the native language is the language normally used by the student’s parents, except that in all direct contact with a student, including during the evaluation of the child, the native language is the language normally used by the student in the home or in the learning environment.**
17. “NJSLS” means the New Jersey Student Learning Standards as defined in N.J.A.C. 6A:8-1.3.
18. “Parent(s)” for the purposes of Policy 2423 and **this** Regulation means the natural parent(s) or the legal guardian(s), foster parent(s), surrogate parent(s), or person acting in the place of a parent with whom the student legally resides. When parents are separated or divorced, parent means the person(s) who has legal custody of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.



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19. “Review process” means the process established by the Board to assess ELLs for exit from bilingual, ESL, or English language services programs.
 20. “Sheltered English instruction” means an instructional approach used to make academic instruction in English understandable to ELLs. Sheltered English classes are taught by regular classroom teachers who have received training on strategies to make subject-area content comprehensible for ELLs.
- B. Identification of Eligible English Language Learners (ELLs) (N.J.A.C. 6A:15-1.3)
1. The **district shall use a multi-step process** at the time of enrollment **to determine the native language of each ELL**. The district **shall**:
 - a. Maintain a census indicating all **identified** students whose native language is other than English; and
 - b. **Administer the Statewide** home-language survey to determine which students in Kindergarten to grade twelve whose native language is other than English must be **screened further** to determine English language proficiency. The **Statewide home-language survey** shall be **administered** by a bilingual/ESL or other certified teacher and shall be designed to distinguish students who are proficient English speakers and need no further testing.
 2. The district shall determine the English language proficiency of all Kindergarten to grade twelve students who are not screened out and whose native language is other than English by administering an English language proficiency test, assessing the level of reading in English, reviewing the previous academic performance of students, including their performance on standardized tests in English, and reviewing the input of teaching staff members responsible for the educational program for ELLs. Students who do not meet the Department standard on a language proficiency test and who have at least one other indicator shall be considered ELLs. The district shall also use age-appropriate methodologies to identify preschool ELLs to determine their individual language development needs.
- C. Bilingual Programs for English Language Learners (ELLs) (N.J.A.C. 6A:15-1.4)
1. **The Board shall provide** all Kindergarten to grade twelve ELLs enrolled in the district pursuant to N.J.S.A. 18A:7F-46 with all



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required courses and support services outlined in **N.J.A.C. 6A:15-1.4 (b) through (h) and C.2. through C.8.** below to prepare ELLs to meet the **NJSLS** for high school graduation. This may include tutoring, after-school programs, summer programs, and remedial services as needed by ELLs. The district shall also provide appropriate instructional programs to eligible pre-school ELLs based on need according to the New Jersey Preschool Program Implementation Guidelines, 2015. The guidelines provide developmentally appropriate recommendations for good practice and are intended for school districts that provide preschool programs.

2. The Board shall establish English language services designed to improve the English language proficiency of ELLs whenever there are at least one, but fewer than, ten ELLs enrolled in the school district. English language services shall be provided in addition to the regular school program.
3. The Board shall establish an ESL program that provides at least one period of ESL instruction based on student language proficiency whenever there are ten or more ELLs enrolled in the school district.
 - a. An ESL curriculum that addresses the WIDA English language development standards shall be developed and adopted by the Board to address the instructional needs of ELLs.
 - b. The ESL curriculum **shall** be cross-referenced to the district's bilingual education and content area curricula to ensure that ESL instruction is correlated to all the content areas taught.
4. The Board shall establish bilingual education programs whenever there are twenty or more ELLs in any one-language classification enrolled in the school district pursuant to N.J.S.A. 18A:35-18. Bilingual education programs shall:
 - a. Be designed to prepare ELLs to acquire sufficient English skills and content knowledge to meet the **NJSLS**. All ELLs participating in the bilingual programs shall also receive ESL instruction;
 - b. Include a curriculum that addresses the **NJSLS**, the WIDA English language development standards, and the use of two



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languages. The bilingual education curriculum shall be adopted by the Board; and

- c. Include **the** full range of required courses and activities offered on the same basis and under the same rules that apply to all students within the school district.
5. ELLs shall be provided with equitable instructional opportunities to participate in all non-academic courses necessary to meet the **NJSLS**, including comprehensive health and physical education, the visual and performing arts, and career awareness programs. The instructional opportunities shall be designed to assist ELLs to fully comprehend all subject matter and demonstrate their mastery of the content matter.
6. The Board shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve to enable ELLs to meet the **NJSLS** for graduation. When sufficient numbers of students are not available to form a bilingual class in a subject area, the Board shall develop plans in consultation with and approved by the Department to meet the needs of the students.
7. **In addition to N.J.A.C. 6A:15-1.4(a) through (f) and C.1. through C.6. above,** the Board shall design additional programs and services to meet the special needs of eligible ELLs and include, but not be limited to: remedial instruction through Title I programs; special education; school-to-work programs; computer training; and gifted and talented education services.
8. The Board may establish dual-language bilingual education programs in its schools and may make provisions for the coordination of instruction and services with the school district's world languages program. Dual-language bilingual education programs shall also enroll students whose primary language is English, and shall be designed to help students achieve proficiency in English and in a second language while mastering subject-matter skills. To the extent necessary, instruction shall be in all courses or subjects of study that allow students to meet all grade promotion and graduation standards. Where possible, classes in dual-language bilingual programs shall be comprised of approximately equal numbers of ELLs and of students whose native language is English.
9. The Board may establish a program in bilingual education for any language classification with fewer than twenty students.



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D. Waiver Process Provided by Statute (N.J.A.C. 6A:15-1.5)

The school district may request a waiver from N.J.A.C. 6A:15-1.4(d) **and C.4. above** to establish annually an instructional program alternative with the approval of the Department when there are twenty or more students eligible for the bilingual education program in **grades** Kindergarten through twelve, and the school district is able to demonstrate that it would be impractical to provide a full-time bilingual program due to age range, grade span, and/or geographic location of eligible students.

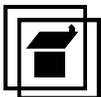
1. Instructional program alternatives shall be developed in consultation with and approved annually by the Department after review of student enrollment and achievement data. All bilingual instructional program alternatives shall be designed to assist ELLs to develop sufficient English skills and subject-matter skills to meet the **NJSLS**.
2. The instructional program alternatives that shall be established include, but are not limited to: the bilingual part-time component; the bilingual resource program; the bilingual tutorial program; the sheltered English instruction program; and the high-intensity ESL program.
3. In the event the district implements program alternatives, the district shall annually submit student enrollment and achievement data that demonstrate the continued need for the programs.

E. Approval Procedures (N.J.A.C. 6A:15-1.6)

1. **If the district provides** a bilingual program, ESL program, or English language services, **the district** shall submit a plan every three years to the Department for approval. At its discretion, the Department may request modifications, as appropriate.

a. Plans submitted by the **Board** for approval shall include information on the following:

- (1) Identification of students;
- (2) Program description;
- (3) **The number of certified staff hired for the program;**
- (4) Bilingual and ESL curriculum development;



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- (5) Evaluation design;
- (6) Review process for exit; and
- (7) A budget for bilingual and ESL programs or English language services.

F. Supportive Services (N.J.A.C. 6A:15-1.7)

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

G. In-service Training (N.J.A.C. 6A:15-1.8)

1. **The Board** shall develop a **plan** for in-service training for bilingual, ESL, and mainstream teachers; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of ELLs. The plan shall include instructional strategies and appropriate assessments to help ELLs meet the NJSLS and the WIDA English language development standards. All bilingual **and** ESL teachers shall receive training in the use of the ESL curriculum.
2. The Professional Development Plan of the school district shall include the needs of bilingual and ESL teachers, which shall be addressed through in-service training.

H. Certification (N.J.A.C. 6A:15-1.9)

1. **All teachers of bilingual classes shall hold** a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or content area, as well as an endorsement in bilingual education, pursuant to N.J.S.A. 18A:6-38 et seq. and 18A:35-15 to 26.1.
2. **All teachers of ESL classes shall hold** a valid New Jersey instructional certificate in ESL pursuant to N.J.S.A. 18A:6-38 et seq. and N.J.A.C. 6A:9B-10.5.



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3. **All teachers providing** English Language Services **shall hold** a valid New Jersey instructional certificate.
- I. Bilingual, English as a Second Language, and English Language Services Program Enrollment, Assessment, Exit, and Re-entry (N.J.A.C. 6A:15-1.10)
 1. All ELLs from Kindergarten through grade twelve shall be enrolled in the bilingual, ESL, or English language services **education** program established by the Board as prescribed in N.J.A.C. 6A:15-1.4(b) through (e) and 1.5(a), **C.2. through C.5. and D. above**, and P.L. 1995, c. 59 and c. 327.
 2. Students enrolled in the bilingual, ESL, or English language services program shall be assessed annually using **ELP assessments** to determine their progress in achieving English language proficiency goals and readiness for exiting the program. **Students who meet the criteria for Statewide alternate assessments, pursuant to N.J.A.C. 6A:14-4.10(a)2, shall be assessed annually using an alternate ELP assessment.**
 3. ELLs enrolled in the bilingual, ESL, or English language services program shall be placed in a monolingual English program when they have demonstrated readiness to **exit a bilingual, ESL, or ELS program through Department-established criteria on an ELP assessment and a Department-established English language observation form. A first achieve the Department-established English proficiency standard as measured by an ELP assessment.** The **student's** readiness shall be further assessed **by the use of a Department-established English language observation form that considers**, at a minimum: classroom performance; the student's reading level in English; the judgment of the teaching staff member or members responsible for the educational program of the student; and performance on achievement tests in English.
 - a. **Pursuant to C.F.R. §200.6(h)(4)(ii), an ELL with a disability whose disability makes it impossible for the student to be assessed in a particular domain because there are no appropriate accommodations for assessing the student in that domain may be exited from ELL status based on the student's score on the remaining domains in which the student was assessed.**



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4. A parent may remove a student who is enrolled in a bilingual education program pursuant to provisions in N.J.S.A. 18A:35-22.1.
5. Newly exited students who are not progressing in the mainstream English program may be considered for reentry to bilingual and ESL programs as follows:
 - a. After a minimum of one-half an academic year and within two years of exit, the mainstream English classroom teacher may recommend retesting with the approval of the Principal.
 - b. A waiver of the minimum time limitation may be approved by the Executive County Superintendent upon request of the Superintendent if the student is experiencing extreme difficulty in adjusting to the mainstream program.
 - c. The recommendation for retesting shall be based on the teacher's judgment that the student is experiencing difficulties due to problems in using English as evidenced by the student's inability to: communicate effectively with peers and adults; understand directions given by the teacher; and/or comprehend basic verbal and written materials.
 - d. The student shall be tested using a different form of the test or a different language proficiency test than the one used to exit the student.
 - e. If the student scores below the State-established standard on the language proficiency test, the student shall be re-enrolled into the bilingual or ESL program.
6. When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the district shall notify by mail the student's parent(s) of the placement determination. If the parent(s) or teaching staff member disagrees with the placement, **they** may appeal the placement decision in writing to the Superintendent or designee, who will provide a written explanation for the decision within seven working days of receiving the written appeal. The complainant may appeal this decision in writing to the Board within seven calendar days of receiving the Superintendent's or designee's written explanation of the decision. The Board will review the appeal and respond in writing to the parent within forty-five calendar days of the Board's receipt of the parent's written appeal to the Board. Upon exhausting an appeal to the Board, the complainant may appeal to the



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Commissioner of Education pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3.

J. Graduation Requirements for English Language Learners (N.J.A.C. 6A:15-1.11)

All ELLs **shall** satisfy requirements for high school graduation according to N.J.A.C. 6A:8-5.1(a).

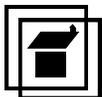
K. Location (N.J.A.C. 6A:15-1.12)

All bilingual, ESL, and English language services programs shall be conducted within classrooms within the regular school buildings of the school district pursuant to N.J.S.A. 18A:35-20.

L. Notification (N.J.A.C. 6A:15-1.13)

1. The school district **shall** notify by mail the parents of ELLs of the fact that their child has been identified as eligible for enrollment in a bilingual, ESL, or English language services **education** program. The district shall issue the notification within thirty days of the child's identification. Notice shall include a statement that the parents may decline their child's enrollment in a bilingual program, and they shall be given an opportunity to do so if they choose. The notice shall be in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English, and shall include the following information:

- a. Why the student was identified as an ELL;
- b. Why the student needs to be placed in a language instructional educational program that will help **them** develop and attain English proficiency and meet **the NJSLs**;
- c. The student's level of English proficiency, how the level of English proficiency was assessed, and the student's academic level;
- d. The method of instruction the school district will use to serve the student, including a description of other instruction methods available and how those methods differ in content, instructional goals, and the use of English and a native language, if applicable;



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- e. How the program will meet the student's specific needs in attaining English and meeting State standards;
- f. The program's exit requirements, the expected rate of transition into a classroom not tailored for ELLs and, in the case of high school students, the expected rate of graduation; and
- g. How the instructional program will meet the objectives of the individualized education program of a student with a disability.

2. The school district shall send progress reports to parent(s) of students enrolled in a bilingual, ESL, or English language services programs in the same manner and frequency as progress reports are sent to parent(s) of other students enrolled in the school district.
3. Progress reports shall be written in English and in the native language of the parent(s) of students enrolled in the bilingual and ESL program unless the school district can demonstrate and document in the three-year plan required in N.J.A.C. 6A:15-1.6(a) that the requirement would place an unreasonable burden on the district.
4. The school district shall notify the parent(s) when students meet the exit criteria and **are** placed in a monolingual English program. The notice shall be in English and in the language in which the parent(s) possesses a primary speaking ability.

M. Joint Programs (N.J.A.C. 6A:15-1.14)

With approval of the Executive County Superintendent on a case-by-case basis, a school district may join with another Board to provide bilingual, ESL, or English language services programs.

N. Parental Involvement (N.J.A.C. 6A:15-1.15)

1. The **district shall** provide for the maximum practicable involvement of parent(s) of ELLs in the development and review of program objectives and dissemination of information to and from the district Boards of Education and communities served by the bilingual, ESL, or English language services education programs.
2. **If the** district implements a bilingual education program, **the district shall** establish a parent advisory committee on bilingual education of which the majority **membership shall** be parent(s) of ELLs.



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R 2425 EMERGENCY VIRTUAL OR REMOTE INSTRUCTION PROGRAM

A. Definitions

1. “Remote instruction” means the provision of instruction occurring when the student and the instructor are in different locations due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.
2. “Virtual instruction” means the provision of active instruction when the student and the instructor are in different locations and instruction is facilitated through the internet and computer technologies due to the closure of the facility(ies) of the Board of Education, charter school, renaissance school project, or approved private school for students with disabilities. The closure of the facility(ies) shall be pursuant to N.J.S.A. 18A:7F-9 or 18A:46-21.1 and for more than three consecutive school days due to a declared state of emergency, a declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure.

B. Pursuant to N.J.A.C. 6A:32-13.1, if the State or local health department determines that it is advisable to close, or mandates closure of, the schools of a school district due to a declared state of emergency, declared public health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure for more than three consecutive school days, the Superintendent shall have the authority to implement the school district’s program of virtual or remote instruction, pursuant to N.J.S.A. 18A:7F-9.

1. If implemented by the Superintendent, the school district’s program of virtual or remote instruction shall be provided to an enrolled



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student, whether a general education student in preschool through grade twelve or a student with a disability aged three to twenty-one.

- a. The school district shall provide students with a disability with the same educational opportunities provided to general education students to the extent appropriate and practicable.
 - b. Related services may be delivered to general education students and students with a disability through the use of electronic communication or a virtual or online platform, as appropriate.
2. The Board of Education may apply to the 180-day requirement established pursuant to N.J.S.A. 18A:7F-9.b., one or more days of virtual or remote instruction under the following conditions and in accordance with N.J.A.C. 6A:32-13.1(c)1. through 4. and B.2.a. through d. below:
- a. Virtual or remote instruction is provided to students on the day(s) that some or all of the programs of instruction of the district were closed to in-person instruction;
 - b. The virtual or remote instruction meets the Commissioner-established criteria for the occurrence of one of the events at N.J.A.C. 6A:32-13.1(b) and B. above;
 - c. The school district's program of virtual or remote instruction:
 - (1) Explains, to the greatest extent possible, the equitable delivery of, and access to, virtual and remote instruction, including descriptions of the following:
 - (a) The design of synchronous and/or asynchronous virtual or remote learning plans that will maximize student growth and learning;
 - (b) How the school district will continuously measure student growth and learning in a virtual or remote instruction environment; and



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- (c) The school district's plan for measuring and addressing any ongoing digital divide issue(s), including a lack of access to the internet, network access, or devices;
- (2) Addresses the needs of students with disabilities and includes descriptions of the following:
 - (a) The delivery of virtual or remote instruction in order to implement, to the greatest extent possible, students' individualized education programs (IEPs), including material and platform access;
 - (b) The methods used to document IEP implementation, including the tracking of student progress, accommodations, and modifications;
 - (c) How case managers follow up with parents to ensure services are implemented, to the greatest extent possible, in accordance with IEPs; and
 - (d) How the school district plans to conduct IEP meetings, evaluations, and other meetings to identify, evaluate, and/or reevaluate students with disabilities;
- (3) Addresses the needs of English language learners (ELLs) and includes descriptions of the following:
 - (a) How the school district includes an English as a Second Language and/or bilingual education program aligned with State and Federal requirements to meet the needs of ELLs;
 - (b) The process to communicate with parents of ELLs, including providing translation materials, interpretative services, and information available at the parent's literacy level;



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- (c) The use of instructional adaptations, for example, differentiation, sheltered instruction, Universal Design for Learning, access to technology, and strategies to ensure that ELLs access the same standard of education as non-ELL peers; and
 - (d) The training for teachers, administrators, and counselors to learn strategies related to culturally responsive teaching and learning, social-emotional learning, and trauma-informed teaching for students affected by forced migration from their home country;
- (4) Accounts for student attendance in accordance with N.J.A.C. 6A:32-13.1(d) and B.3. below and include the following:
- (a) A description or copy of the school district's attendance policies, including how the school district will determine whether a student is present or absent during virtual or remote instruction, and how a student's attendance will factor into promotion, retention, graduation, discipline, and any other decisions that will reflect the student's performance;
- (5) Describes how the school district is communicating with the parents when a student is not participating in virtual or remote instruction and/or submitting assignments;
- (6) Includes a plan for the continued safe delivery of meals to eligible students;
- (7) Includes an outline of how buildings will be maintained throughout an extended period of closure; and
- (8) Includes district-specific factors, including, but not limited to, considerations for Title I extended learning programs, 21st Century Community Learning Center Programs, credit recovery, other extended student learning opportunities, accelerated learning, and social and emotional health of staff and



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students, transportation, extra-curricular programs, childcare, and community programming; and

- d. The Board of Education submitted a proposed program of virtual or remote instruction to the Commissioner annually.
 - (1) If the Board is unable to complete and submit a proposed program annually in accordance with the timeline established by the Commissioner, and the school district is required to close its schools for a declared state of emergency, declared public-health emergency, or a directive by the appropriate health agency or officer to institute a public health-related closure, the Commissioner may retroactively approve the program.
3. If provided under the Board's program that has been approved by the Commissioner, student attendance for a day of virtual or remote instruction shall be accounted for in accordance with N.J.A.C. 6A:32-8.4 for the purpose of meeting State and local graduation requirements, the awarding of course credit, and other matters as determined by the Commissioner.

Adopted: 3/22/23



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R 5200 ATTENDANCE

A. Attendance Recording

1. School Register (N.J.A.C. 6A:32-8.1)
 - a. The Board of Education shall carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic format of the school **district's** choosing.
 - b. The Commissioner **will** issue and publish on the Department's website guidance for recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.
 - c. Student attendance shall be recorded in the school register during school hours on each day in session, **pursuant to N.J.A.C. 6A:32-8.3. An employee designated by the Superintendent shall keep in the school register, attendance of all students, and shall maintain the attendance records in accordance with N.J.A.C. 6A:32-8 and the guidance at N.J.A.C. 6A:32-8.1(c) and A.1.b. above.**
 - d. A student who has been placed on home instruction shall have **their** attendance status recorded on the regular register for the program in which the student is enrolled. **The student shall be marked absent for** the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement. Absences shall **not** be recorded for the student while on home instruction, **provided** the hours of instruction are no less than required by N.J.A.C. 6A:14-4.8 and 4.9 **and 6A:16-10.1 and 10.2.** The number of possible days **in membership** for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.



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

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

- a. A day in session shall be a day on which the school is scheduled to provide instruction and students are under the guidance and direction of a teacher(s) engaged in the teaching process. A day on which school is closed for reasons such as holidays and teachers’ institutes, or inclement weather not under conditions set forth at N.J.A.C. 6A:32-13, shall not be considered a day in session.
- b. A day in session shall consist of not less than four hours, exclusive of recess and lunch periods, except that one continuous session of two and one-half hours may be considered a full day in Kindergarten.

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

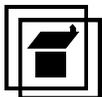
- a. For all State attendance submissions, a student shall be recorded as present, absent, or excused for a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below, on every day the school is in session after the student enrolls until the date the student is transferred to another school or officially leaves the school district.
- b. A record of attendance of all students shall be kept in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above. The employee designated by the Superintendent shall keep the attendance records according to N.J.A.C. 6A:32-8 and the guidance issued by the Commissioner in accordance with N.J.A.C. 6A:32-8.1(c) and A.1.b. above.
- c. A student enrolled in a school shall be recorded in the school register as present if the student participates in instruction or instruction-related activities for at least half a day in session whether the student is physically on



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school grounds, at an approved off-grounds location, or in a virtual or remote instruction setting, pursuant to N.J.A.C. 6A:32-13.

- d. A student enrolled in a school who is not participating in instruction or instruction-related activities pursuant to N.J.A.C. 6A:32-8.4(c) and A.3.c. above shall be recorded in the school register as absent, unless the student is recorded as a State-excused absence, pursuant to N.J.A.C. 6A:32-8.4(e) and A.3.e. below.
- e. State-excused absences shall be as follows:
 - (1) Religious observance, pursuant to N.J.S.A. 18A:36-14, 15, and 16.
 - (a) The Commissioner, with approval of the State Board of Education, shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis;
 - (2) Participation in observance of Veterans Day, pursuant to N.J.S.A. 18A:36-13.2;
 - (3) Participation in district board of election membership activities, pursuant to N.J.S.A. 18A:36-33;
 - (4) Take Our Children to Work Day;
 - (5) College visit(s), up to three days per school year for students in grades eleven and twelve; and
 - (6) Closure of a busing school district that prevents a student from having transportation to the receiving school.
- f. For absences that do not meet the criteria at N.J.A.C. 6A:32-8.4(e) and A.3.e. above, the Board may adopt policies that establish locally approved or excused absences consistent with N.J.A.C. 6A:16-7.6 for the purposes of expectations and consequences regarding truancy, student conduct, promotion, retention, and the



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award of course credit. However, an absence designated as excused by the Board pursuant to N.J.A.C. 6A:16-7.6 shall be considered as an absence in the submission to the State for the purpose of chronic absenteeism reporting, as set forth at N.J.A.C. 6A:32-8.6.

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

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

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

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

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

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

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

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

1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, "excused" and "unexcused" student absences for the purpose of



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expectations and consequences regarding truancy, student conduct, promotion, **retention**, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.

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

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

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

- The student’s illness, supported by notification to the school by the student’s parent;
- The student’s required attendance in court;
- **Where appropriate, when consistent with Individualized Education Programs, the Individuals with Disabilities Act, accommodation plans under 29 U.S.C. §§ 794 and 705(20), and individualized health care plans;**
- **The student’s suspension from school;**
- Family illness or death, supported by notification to the school by the student’s parent;
- An absence for a reason not listed above, but deemed excused by the Principal upon a written request by the student’s parent stating the reason for the absence and requesting permission for the absence to be an excused absence.

3. “Unexcused tardiness” may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.

C. Notice to School of a Student’s Absence

1. The parent or adult student shall notify the school office before the school day when the student will not be in school.



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

D. Readmission to School After an Absence

1. A student returning from an absence of any length of time must provide a written statement **to the Principal or designee** that is dated and signed by the parent or adult student listing the reason for the absence.
2. A student who has been absent by reason of having or being suspected of having a communicable disease **may be required to** present to the school nurse written evidence of being free of a communicable disease.
3. The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school.
 - a. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.

E. Instruction

1. Teachers **will** cooperate in the preparation of home assignments for students who anticipate an absence of two school days duration.
2. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.



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3. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up **the work missed**.
 4. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.
 5. **A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.**
- F. Denial of Course Credit
1. The teacher will determine the credit to be awarded a student for make-up work. Where class participation is a factor in the learning process, the teacher may consider a student's absence in determining a final grade, except absences for the observance of a religious holiday or absence for a student's suspension from school will not adversely affect the student's grade. The teacher may record an incomplete grade for a student who has not had a full opportunity to make up missed work.
 2. A secondary student may be dropped from a course or denied course credit when **the secondary student** has been absent from eighteen or more of the class sessions, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, or absences caused by a student's suspension will not count toward the total. Exceptions to this rule may be made for students who have demonstrated to the teacher through completion of make-up assignments that they have mastered the proficiencies established for the course of study.
 3. An elementary student may be retained at grade level, in accordance with Policy 5410, when **the student** has been absent eighteen or more school days, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, and absences due to student's suspension will not count toward the total. Exceptions to this rule may be made for students who have demonstrated through completion of home assignments and/or home instruction that they have mastered the proficiencies established for the assigned courses of study.



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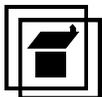
G. School District Response To Unexcused Absences During the School Year That Count Toward Truancy (N.J.A.C. 6A:16-7.6(a)4.)

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:
 - a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;
 - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent(s);
 - c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;
 - d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and
 - e. Cooperate with law enforcement and other authorities and agencies, as appropriate;
2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:
 - a. Make a reasonable attempt to notify the student's parent(s) of each unexcused absence prior to the start of the following school day;
 - b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent(s);
 - c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and G.1.c. above;
 - d. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:



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- (1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
 - (2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;
 - (3) Consider an alternate educational placement;
 - (4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;
 - (5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and G.4. below;
 - (6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11, if a potential missing or abused child situation is detected; and
 - (7) Engage the student's family.
- e. Cooperate with law enforcement and other authorities and agencies, as appropriate.
3. For cumulative unexcused absences **of ten or more** that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:
- a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and G.4. below;
 - b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;
 - c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and
 - d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required; **and**



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4. A court referral may be made as follows:
 - a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court;
 - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or
 - b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part;
 - (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.
5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's **Individual Education Program (IEP)**, pursuant to 20 U.S.C. §§1400 et seq., the Individuals with Disabilities Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized healthcare plan and individualized emergency healthcare plan, pursuant to N.J.A.C. 6A:16-2.3(b) 3.xii.
6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and G.1. above for each student with up to four cumulative unexcused absences that count toward truancy.
 - a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.
 - (1) The sending school district shall proceed in accordance with the Board of Education's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii.



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through iv. and G.2. through G.4. above **and N.J.A.C. 6A:16-7.6(b) and G.5. above**, as appropriate.

H. Discipline

1. Students may be denied participation in co-curricular activities **and/or athletic competition** if the Board establishes attendance standards for participation.
2. No student who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

I. Recording Attendance

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

J. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.
2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.
3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:
 - a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of



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absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.

- b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.
- c. If the student is not satisfied, **the student** may submit a written request to the Principal for consideration by an Attendance Review Committee.
- d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.
- e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.
- f. The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710 - Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

K. Attendance Records

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

Adopted: 3/22/23



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R 8140 ENROLLMENT ACCOUNTING

A. School Enrollment

1. The **school** enrollment in a **program of instruction**, a school, or the district shall be the total number of original **student** entries **in the school register** plus the number of re-entries, less the number of transfers, withdrawals, or dropouts in any such unit during a school year. The total number of original entries and re-entries, less the number of transfers, withdrawals, or dropouts, in all **programs of instruction** and schools of the district shall constitute the school enrollment for the district during any school year.
2. A student attending a school operated by **the Board of Education** shall **not** be **concurrently** enrolled in more than one school register in **any** district during a school year **with the exception of shared-time students**.
3. A student shall **not** be enrolled in a school register until the student has reached **over the age of five years in accordance with N.J.S.A. 18A:38-1 - Attendance at School Free of Charge**. **The district may enroll students under** the following legal school ages:
 - a. Kindergarten – **older** than four years and **younger** than six years;
 - b. **State-funded preschool program – at least three years of age and younger than five years; and**
 - c. **Preschool students with disabilities – at least three years of age and younger than five years.**
4. Within ten **school** days of the start of the school year, the district shall determine whether **a student who attended the previous year but not the current school year** has an excused absence or has transferred, withdrawn, or dropped out of the school district.



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5. Any student enrolled in **the** district who moves to another school district in the same school year shall be **included** in **the school** register in the new school district upon **enrollment**.
6. The average daily enrollment in the district for a school year shall be the sum of the **total days in membership** of all enrolled students when schools were in session during the year, divided by the number of days in session. The average daily enrollment for the **programs of instruction** or schools of the district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual **programs of instruction** or schools.
 - a. **“Days in membership” means the number of school days in session in which a student is enrolled. A student’s membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.**

B. Application for State School Aid

Pursuant to the requirements of N.J.S.A. 18A:7F-33, the district shall file with the Commissioner of Education an Application for State School Aid in accordance with the following procedures:

1. Counting Procedure
 - a. Each employee responsible for the maintenance and safe keeping of a school register (and whose name appears on the cover of the register) shall conduct a count of the students entered in the register on the last school day prior to October 16.
 - b. The count shall include all students **as required to be reported in accordance with the provisions of N.J.S.A. 18A:7F-33.**
 - c. The count shall be recorded on a form, and the form shall be submitted to the **School Business Administrator/Board Secretary or designee** no later than October 16.
2. Data Collection



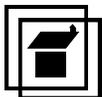
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- a. The **Superintendent or designee** shall assign responsibility for the preparation of worksheets to document the compilation of register data.
- b. Completed worksheets shall be submitted to the **School Business Administrator/Board Secretary or designee** who shall compare the data submitted on the worksheets to the register count submitted in accordance with B.1.a.
- c. The **School Business Administrator/Board Secretary or designee** shall reconcile all inconsistencies between worksheet data and register counts and submit final enrollment counts to the **Superintendent of Schools**.

3. Application Submission

The **School Business Administrator/Board Secretary or designee, with approval of the Superintendent, shall file with the Commissioner the report required by N.J.S.A. 18A:7F-33.**

Issued: 3/22/23



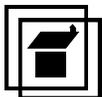
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Student Records
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R 8330 STUDENT RECORDS

A. Definitions (N.J.A.C. 6A:32-2.1)

1. “Access” means the right to view, make notes, and/or reproduce a student record.
2. “Adult student” means a person who is at least eighteen years of age or is an emancipated minor.
3. **“Days in membership” means the number of school days in session in which a student is enrolled. A student’s membership begins on the first possible day of attendance following enrollment during the school year, notwithstanding the actual day the student was recorded as present for the first time.**
4. **“Health history” means the record of a person’s past health events obtained in writing, completed by the individual or the individual’s physician.**
5. “Mandated student records” means student records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.
6. “Parent” means the natural or adoptive parent, legal guardian, surrogate **parent** appointed **pursuant** to N.J.A.C. 6A:14-2.2, or a person acting in place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student’s welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights **pursuant to** N.J.A.C. 6A:32. In addition, a **resource family** parent may act as a parent **pursuant to** the provisions of N.J.A.C. 6A:32 if the parent’s authority to make educational decisions on the student’s behalf has been terminated by a court of appropriate jurisdiction.
7. “Permitted student records” means records that the Board of Education has authorized, by resolution adopted at a regular public



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meeting, to be collected to promote the educational welfare of students.

8. **“Personally identifiable information” means, but is not limited to:**
 - a. **The student's name;**
 - b. **The name of the student's parent(s) or other family members;**
 - c. **The address of the student or the student's family;**
 - d. **The email address of the student, the student's parent(s), or other family members;**
 - e. **The telephone number of the student, the student's parent(s), or other family members;**
 - f. **A personal identifier, such as the student's Social Security number, student number, or biometric record;**
 - g. **A photo of the student;**
 - h. **The location and times of class trips;**
 - i. **Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;**
 - j. **Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances to identify the student with reasonable certainty; or**
 - k. **Information requested by a person who the district, or private agency that provides educational services by means of public funds, reasonably believes knows the identity of the student to whom the student record relates.**
9. **“Physical examination” means the assessment of an individual's health, in accordance with the requirements at N.J.A.C. 6A:16-2.2.**
10. **“School contact directory for official use” means a compilation by a district that includes the following information for each**



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student: name, address, telephone number, date of birth, and school of enrollment. The directory may be provided for official use only to judicial, law enforcement, and medical personnel.

11. **“Student discipline record” means information regarding all disciplinary actions taken against a student by a school district pursuant to N.J.S.A. 18A:36-25.1.b. and that is maintained in a student’s record.**
12. **“Student information directory” means a publication of the Board that includes information relating to a student. It shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. The information shall be the student’s: name; grade level; date and place of birth; dates of school attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information.**
13. **“Student record” means information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second-party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party is excluded from this definition. In the absence of any “information related to an individual student,” the document(s) no longer meets the definition of “student record.”**

B. General Considerations (N.J.A.C. 6A:32-7.1)

1. The Board shall compile and maintain student records and regulate access **in accordance with the Federal Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and 34 CFR Part 99**, disclosure, or communication of information contained in **student** records in a manner that assures the security of **the** records in accordance with the provisions of N.J.A.C. 6A:32-7.
2. Student records shall contain only information **that** is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.



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3. The district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and **Board** policies shall be made available upon request. The **Board** shall make every effort to notify parents and adult students in their dominant language.
4. **Nonadult** students may assert rights of access only through **their** parent(s). However, nothing in N.J.A.C. 6A:32-7 or in Policy **8330** or **this** Regulation shall be construed to prohibit certified school personnel from disclosing, at their discretion, student records to non-adult students or to appropriate persons in connection with an emergency, if **the information contained in the record** is necessary to protect the health or safety of the student or other persons.
5. The parent or adult student shall have access to **the student's** records and have access to, or be specifically informed about, only **the** portion of another student's record that contains information about **the student**.
6. **All anecdotal information and assessment reports collected on a student shall be dated and signed by the individual who originated the data.**
7. The Superintendent or designee shall require all student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the **information** contained therein. The reviewer shall cause **information** no longer descriptive of the student or educational program to be deleted from the record, except that prior notice shall be given for students **with disabilities** in accordance with N.J.A.C. 6A:14, Special Education. **The deleted** information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.
8. No liability shall be attached to any member, officer, or employee of the Board permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.
9. When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the district shall



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provide interpretation of the student records in the dominant language of the parent or adult student.

10. Student health records shall be maintained separately from other student records. **Student health records also shall be maintained** according to the requirements of N.J.A.C. 6A:32-7 until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

C. School Contact Directory for Official Use (N.J.A.C. 6A:32-7.2)

1. The Board shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory.
2. **School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all information about the student that is contained in the school contact directory for official use.**
3. A parent, adult student, or emancipated minor shall notify, **in writing**, the Superintendent or designee **of their request to exclude any information from the school contact directory for official use.**

D. Mandated and Permitted Student Records (N.J.A.C. 6A:32-7.3)

1. Mandated student records shall include the following:
 - a. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, **record of daily** attendance, classes attended, grade level completed, year completed, and years of attendance;
 - b. Descriptions of **the student's progress according to the Board's student performance data;**



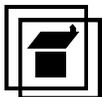
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- c. History and status of physical health compiled in accordance with State regulations, including **immunizations and** results of any physical examination(s) given by qualified district employees;
 - d. Records pursuant to rules and regulations regarding the education of students with disabilities; and
 - e. All other records required by N.J.A.C. 6A.
2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board upon adoption of Policy **8330** and **this** Regulation. These records may include, but are not limited to:
 - a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a student's record when it is reviewed by any other person, including a substitute;
 - b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;
 - c. Educationally relevant information provided by the parent **or** adult student;
 - d. Any correspondence with the student and/or the student's parents;
 - e. Driver education certificate;
 - f. Emergency notification form;
 - g. New student registration form;
 - h. Withdrawal or transfer form;
 - i. Change of schedule form;



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1. Only authorized organizations, agencies, or persons, as defined in N.J.A.C. 6A:32-7.5, shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1(g) within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.
2. The district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth at N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.
3. **The district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations or as stated in N.J.A.C. 6A:32-7.5(e) and F.5. below.**
4. Access to, and disclosure of, a student health record shall meet the requirements of FERPA, 20 U.S.C. §1232g, and 34 CFR Part 99.
5. **Organizations, agencies, and persons authorized to access student records shall include only the following:**
 - a. **The student who has written permission of a parent and the parent of a student under the age of eighteen, regardless of whether the child resides with the parent, except pursuant to N.J.S.A. 9:2-4;**
 - (1) **The place of residence shall not be disclosed; and**
 - (2) **Access shall not be provided if denied by a court;**
 - b. **Students at least sixteen years of age who are terminating their education in the district because they will graduate secondary school at the end of the term or no longer plan to continue their education;**
 - c. **An adult student and/or a parent who has the written permission of an adult student, except that the parent shall have access without the adult student's consent, as long as the adult student is financially dependent on the parent and enrolled in the public school system, or if the**



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adult student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of a financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the adult student's consent;

- d. Certified school district personnel who are assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4;
- e. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record, except under conditions permitted at N.J.A.C. 6A:16-2.4:
 - (1) An approved private school for students with disabilities;
 - (2) A State facility;
 - (3) Accredited nonpublic schools in which students with disabilities have been placed pursuant to N.J.S.A. 18A:46-14; or
 - (4) Clinics and agencies approved by the New Jersey Department of Education;
- f. To fulfill its legal responsibility, the Board shall have access through the Superintendent or designee to information contained in the student's record. Information shall be discussed in executive session, unless otherwise requested by the parent or adult student;
- g. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are

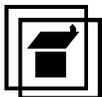


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directed to enter or record information, and shall cease when the specific assigned task is completed;

- h. Accrediting organizations to carry out their accrediting functions;**
- i. The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;**
- j. Officials of other Boards of Education within the State or other educational agencies or institutions where the student is placed, registered, or seeks to enroll, subject to the following conditions:**

 - (1) Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving district, agency, or institution with written notification to the parent or adult student;**
 - (2) Original mandated student records that the Board has required shall be forwarded to the receiving district, agency, or institution only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the districts;**
 - (3) All records to be forwarded, including disciplinary records as specified at N.J.S.A. 18A:36-19a., shall be sent to the Superintendent of the school district to which the student has transferred, or the Superintendent's designee, within ten school days after the transfer has been verified by the requesting district;**
 - (4) The Superintendent or designee shall request, in writing, all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;**
 - (5) Upon request, the Superintendent or designee of the school district of last attendance shall provide**



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a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and

- (6) Proper identification, such as a certified copy of the student's birth certificate or other proof of the student's identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district;
- k. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;
- l. Officers and employees of a State agency responsible for protective and investigative services for students pursuant to N.J.S.A. 9:6-8.40. Whenever appropriate, the Board shall ask the State agency for its cooperation in sharing the findings of an investigation;
- m. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. §1232g(b)(1)(L);
- n. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;
- o. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order; and
- p. Bona fide researchers who explain to the Superintendent the nature of the research project and the relevance of the records sought. Prior to the release of records to a researcher, the Superintendent or designee, shall receive from the researcher written assurance that the records will be used under strict conditions of anonymity and confidentiality.



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6. **Nothing in N.J.A.C. 6A:32-7, Policy 8330, and this Regulation shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons.**
 7. **In complying with N.J.A.C. 6A:32-7, Policy 8330, and this Regulation, the Board shall adhere to the requirements pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., and FERPA, 20 U.S.C. §1232g; 34 CFR Part 99.**
 - a. **When responding to OPRA requests from any party, including parties other than those listed in N.J.A.C. 6A:32-7.5(e) and F.5. above, the Board may release, without consent, records removed of all personally identifiable information, as such documents do not meet the definition of a student record. Before making any release, the Board shall have made a reasonable decision that a student's identity cannot be determined whether through single or multiple releases, or when added to other reasonably available information.**
- G. Conditions for Access to Student Records (N.J.A.C. 6A:32-7.6)**
1. All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7 as listed below shall have access to a student **record**, subject to the following conditions:
 - a. No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.
 - b. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit to the Superintendent or designee, the request in writing, together with any required authorization.
 - c. The Superintendent or designee shall be present during the period of inspection to provide interpretation of the records, where necessary, and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student(s), or individuals who



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have assigned educational responsibility for the individual student, an entry shall be made in the student record of the name(s) of persons granted access, the reason access was granted, the time and circumstances of inspection, the records **inspected**, and the purposes for which the data will be used.

- d. Prior to disclosure of student records to organizations, agencies, or persons outside the district pursuant to a court order, the Superintendent or designee shall give the parent or adult student at least three days' notice of the name of the requesting agency and the specific records requested unless otherwise judicially instructed. **The** notification shall be provided in writing, if practicable. Only records related to the specific purpose of the court order shall be disclosed.

- (1) Notice to the parent shall not be required when **the parent** is party to a court proceeding involving child abuse and neglect or dependency matters, consistent with 20 U.S.C. §1232g(b)(2)(B).

- e. A record may be withheld from a parent or from an adult student only when the district obtains a court order or is provided with evidence that there is a court order revoking the right to access. Only that portion of the record designated by the court shall be withheld. When the district has or obtains evidence of such court order, the parent or adult student shall be notified in writing within five days of **the** request that access to the record has been denied and that the person has the right to appeal this decision to the court issuing the order.

H. Rights of Appeal for Parents and Adult Students (N.J.A.C. 6A:32-7.7)

- 1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, **impermissible** disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may **request:**

- a. **Expungement of inaccurate, irrelevant, or otherwise improper information from the student record;**



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4. Regardless of the outcome of an appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for **contesting a portion of the student record, including the decision made in the appeal. The parent's or adult student's statement shall be maintained as part of the student record, as long as the contested portion of the student record is maintained. If the contested portion of the student record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.**
- I. Retention and Disposal of Student Records (N.J.A.C. 6A:32-7.8)
1. A student record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the district.
 - a. The **Board** shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.
 2. Student records of currently enrolled students, other than the records described at N.J.A.C. 6A:32-7.8(f) and I.5. below, may be disposed of after the information is no longer necessary to provide educational services to a student. **The disposition shall be carried out only after the parent or adult student has been notified in writing and written permission has been granted, or after reasonable attempts to notify the parent or adult student and to secure permission have been unsuccessful.**
 3. Upon graduation or permanent departure of a student from the district:
 - a. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.
 - b. Information in student records, other than that described at N.J.A.C. 6A:32-7.8(f) and I.5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq. **The disposition shall be carried out only after the parent or adult student has been notified in writing and written permission has been granted, or after reasonable attempts to notify the parent or adult student and to secure permission have**

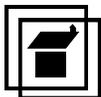


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been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of the Treasury.

4. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.
5. The district of last enrollment, graduation, or permanent departure of the student from the district shall keep, for one hundred years, a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

Issued: 3/22/23



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R 8420.2 BOMB THREATS

A bomb threat consists of a message regardless of the source or form or truth of the message, that someone has placed or intends to place in the school an explosive device or any material that will cause significant harm to persons in the school or damage to school property. **The procedures to be enacted when a bomb threat is received shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.**

Adopted: 3/22/23



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R 8420.7 LOCKDOWN PROCEDURES

In the event it is determined by the Principal or designee a circumstance or situation requires the school building's occupants to remain secure within the school building, the Principal or designee may implement lockdown procedures. The procedures to be enacted during a lockdown **shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.**

Adopted: 3/22/23



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R 8420.10 ACTIVE SHOOTER

An active shooter or armed assault in a school building or on school grounds involves one or more individuals' intent on causing physical harm to students and school staff. Intruders may possess weapons or other harmful devices. **The procedures to be enacted during an active shooter or armed assault situation shall be included in the school district's plans, procedures, and mechanisms for school safety and security in accordance with the provisions of N.J.A.C. 6A:16-5.1 and Policy 8420.**

Adopted: 3/22/23

