

OWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 5145.4
 X **Monitored**
 X **Mandated**
 X **Other Reasons**

Policy

EQUAL EDUCATIONAL OPPORTUNITY

The Township of Union School District shall provide equal and bias-free access for all students to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, socioeconomic status, or disability. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with students at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each student as an individual and to accord each student the rights and respect that are his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each student's potential in regard to his/her program, consistent with district goals and with optimal opportunities for students. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all students;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of students;
- D. Treating all students with consistent fairness.

The board of education guarantees all students equal access to all academic programs within the learning environment.

Students shall respect the rights of other students to receive an education in an environment that is conducive to learning and personal growth. No student shall have the right to abridge another student's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

Service Animals

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school facilities where members of the community, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Harassment

The district's affirmative action program is part of each academic program regarding all students. No one--including students, staff members, vendors, volunteers, or visitors--shall commit an act of harassment/ discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

EQUAL EDUCATIONAL OPPORTUNITY (continued)

Harassment is defined as any gesture that is reasonably perceived as being motivated by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic; that will have the effect (actual or perceived) of harming a student or damaging the student's property. Harassment also includes any gesture that demeans or insults a student or group of students in such a way to cause substantial disruption in or interference with the orderly operation of the school.

Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Any member of the student body may file a formal grievance related to harassment. The Affirmative Action Officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the student making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting harassment of any kind will not reflect upon the student's status nor affect future grades or class assignments.

The administration will inform all students that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a student's refusal to submit to sexual advances will adversely affect the student's standing in the school setting. Students are forbidden to harass other students or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action.

Equity in School

The board of education shall maintain an academic environment that is free from harassment and provide equal and bias free access for all students to all school facilities, courses, programs activities and services, regardless of race, creed, color, national origin, ancestry, age marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status. The board shall ensure that:

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation;
- C. The district curriculum will be aligned with the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap;
- D. All students have access to counseling services;
- E. Physical education program is equitable and co-educational.

Procedures shall be made available for students and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or superintendent. Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

EQUAL EDUCATIONAL OPPORTUNITY (continued)Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal and superintendent. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

Implementation

The superintendent shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures.

The superintendent shall ensure that, annually, all staff and all students (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and students shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

The superintendent shall also ensure that staff and students participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

The superintendent shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

Adopted: May 15, 1984
 Revised: September 18, 1984; March 19, 1985; May 18, 1993
 NJSBA Review/Update: April 2012
 Readopted: December 2013

Key Words

Nondiscrimination, Affirmative Action, Equal Educational Opportunity, Harassment, Sexual Harassment

Legal References: N.J.S.A. 2C:16-1 Bias Intimidation
N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:38-5.1 No child to be excluded from school because of race, etc.
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4,-1.7
N.J.A.C. 6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities
N.J.A.C. 6A:17-1.1 et seq. Education of homeless children and students in state facilities
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-12.1 Reporting requirements
N.J.A.C. 6A:32-14.1 Review of mandated programs and services

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

State v. Mortimer, 135 N.J. 517 (1994)

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

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

EQUAL EDUCATIONAL OPPORTUNITY (continued)

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) --Part B

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

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

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

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

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*5134	Married/pregnant students
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6145	Extracurricular activities
	*6161.1	Guidelines for evaluation and selection of instructional materials
	*6171.4	Special education

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

PHOTOGRAPHS OF STUDENTS

Taking pictures of Township of Union School District students and buildings for commercial purposes is prohibited without written approval of the superintendent.

"Commercial purposes" in this context is defined to mean for sale or for use in connection with the advertisement or promotion of goods or services.

"School students" in this context means boys and girls enrolled in the school during that part of the day they are at school, on the school grounds, or engaged in any activity under the direction and supervision of the school.

Pictures of children with educational disabilities shall not be disseminated in any way unless permission is granted by parents/guardians. Photographs of children placed in the district by the Division of Youth and Family Services (DYFS) shall not be published without permission of the division case worker.

Photographs on the District Web Site

Pictures of district students shall not be posted on the web site, except under the following conditions:

- A. Prior written permission has been obtained from the student's parent/guardian or from the adult student;
- B. Group photographs may identify the group, but not the individuals in the group;
- C. Prior written permission has been obtained from the student's parent/guardian or from the adult student, if the student is receiving an award or special recognition.

Adopted: June 1999
NJSBA Review/Update: April 2012
Readopted: December 2013

Key Words

Exploitation, Safety, Photographs of Students, Student Photographs, Student Photographs, Web Site

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36-35 Disclosure of certain student information on internet prohibited without parental consent
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

Possible

Cross References: *1100 Communicating with the public
*1110 Media
*1120 Board of education meetings
*1140 Distribution of materials by students and staff
*1250 Visitors
1320 Participation in out-of-school community activities
*5125 Student records

PHOTOGRAPHS OF STUDENTS (continued)

- *5141.4 Child abuse and neglect
- *5145.12 Search and seizure
- 6142.10 Technology
- 6145.3 Publications
- 6145.4 Public performances and exhibitions
- *6171.4 Special education

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

Policy

STUDENT GRIEVANCE PROCEDURE

Each school shall establish procedures for the consideration of student problems and for the processing of their complaints and appeals. These procedures should be developed through the cooperative efforts of students, faculty and administrators. The superintendent or designee shall establish and maintain procedures for appeals beyond the decision of the principal. Details of those procedures should be made known to students and staff, and students who wish to use them should be assured of access to the appropriate personnel within a reasonable period of time.

Adopted: June 1999
NJSBA Review/Update: April 2012
Readopted: December 2013

Key Words

Grievances, Student Grievances

Legal References: N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-7.1 Code of student conduct

Possible

Cross References: 1251 Loitering or causing disturbance
*1312 Community complaints and inquiries
*5113 Absences and excuses
*5114 Suspension and expulsion
*5131 Conduct/discipline
5131.4 Campus disturbances
*5145.4 Equal educational opportunity

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

Policy

QUESTIONING AND APPREHENSION

In order to protect students' rights during the time they are under school control, the principal shall interview every person who wishes to question a student on school property during the school day. The superintendent shall be informed of such incidents.

Law Enforcement Officers

- A. If a law enforcement officer has an arrest warrant, the principal shall ensure that all procedural safeguards as prescribed by law are observed. No student shall be taken from the school without the knowledge of the principal or other person in charge of the school. The principal shall make every reasonable effort to notify parents/guardians. The superintendent shall be informed whenever such apprehensions take place;
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning;
- C. If the law enforcement officer is an agent of the ~~Division of Youth and Family Services (DYFS)~~ **Division of Child Protection and Permanency (DCPP)**, the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

Private Persons

If a private person wishes to question a student on school property during the school day, generally parents/ guardians shall be notified of the request and give their permission before the principal will permit the private person to question the student. In cases involving possible harm to another student which might be prevented by early information, the principal may permit such questioning if the parent/guardian cannot be reached. The principal shall be present during the questioning.

Weapons and Substance Abuse Questioning by Staff

When questioning any student about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the board in compliance with administrative code.

Generally

The superintendent shall notify the board president when the police have sought to question a student in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/ guardians are informed and student rights protected.

Adopted: June 1999
NJSBA Review/Update: April 2012
Readopted: December 2013

QUESTIONING AND APPREHENSION (continued)Key Words

Questioning, Apprehension, Student Arrest, Arrest

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:35-5 Comprehensive Drug Reform Act of 1986
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
N.J.A.C. 6A:16-5.1 et seq. School Safety
See particularly:
N.J.A.C. 6A:16-5.7
 through -5.8
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons, and Safety
See particularly:
N.J.A.C. 6A:16-6.1, -6.2, -6.3
N.J.A.C. 6A:32-7 et seq. Student records

New Jersey Constitution, Article I, paragraph 7U.S. Constitution, Amendments IV, V, and XIVThe New Jersey School Search Policy Manual, New Jersey Attorney General (1998)In re Gault, 387 U.S. 1 (1967)A Uniform State Memorandum of Agreement Between Education and Law Enforcement OfficialsPossible

Cross References: *1410 Local units
 *5114 Suspension and expulsion
 *5131 Conduct/discipline
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5131.7 Weapons and dangerous instruments
 *5145.12 Search and seizure

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

Policy

SEARCH AND SEIZURE

School lockers remain the property of the Township of Union School District even when used by students. Lockers and vehicles parked on school property are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Students and their parents/guardians shall be informed of this policy when lockers are assigned.

A student's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the student. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any students under any circumstances.

Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds, and consequently, locker searches and vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted by the courts in T.L.O. and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied (see policies 5131.6 Substance Abuse and 5131.7 Weapons and Other Dangerous Instruments).

NJSBA Review/Update: April 2012
Adopted: December 2013

Key Words

Search and Seizure, Locker Searches, Substance Abuse, Seizure

Legal References:	<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
	<u>N.J.S.A.</u> 18A:36-19.2	Student lockers or other storage facility; inspection; notice to students
	<u>N.J.S.A.</u> 18A:37-6.1	Strip and body cavity searches prohibited
	<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
	<u>N.J.A.C.</u> 6A:16-6.1 <u>et seq.</u>	Law Enforcement Operations for Substances, Weapons and Safety

SEARCH AND SEIZURE (continued)

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, Superior Court of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. 822 (2002)

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

State v. Best 403 N.J. Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009)
The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted in T.L.O.

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

Possible

<u>Cross References:</u>	*1410	Local units
	*5114	Suspension and expulsion
	*5131	Conduct/discipline
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5131.7	Weapons and dangerous instruments
	*5145.11	Questioning and apprehension

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

TOWNSHIP OF UNION BOARD OF EDUCATION
Union, New Jersey

FILE CODE: 5200

 X **Monitored**

 X **Mandated**

 X **Other Reasons**

Policy

NONPUBLIC SCHOOL STUDENTS

New Jersey statute and regulations of the State Board of Education require the Township of Union Board of Education to provide certain services and supplies to those New Jersey children whose parents/guardians enroll them in nonpublic schools within the confines of the district. Out-of-state students enrolled in nonpublic schools within the district are not included.

Nursing Services

The board of education shall, within the funding limitations as determined by the state's appropriations and nonpublic school enrollment, provide the mandated nursing services for students enrolled full-time in nonpublic schools located within the district. Specified nursing services include:

- A. Assistance with medical examinations including dental screening;
- B. Hearing screenings;
- C. Maintenance of student health records and notification of local or county health officials of improperly immunized students;
- D. Conducting of scoliosis examinations for students between the ages of 10 and 18.

The district shall extend to students enrolled full-time in nonpublic schools in the district who are injured or become ill at school or during participation on a school team or squad the emergency care provided to public school students up to the limit of state aid provided.

No district shall be required to make expenditures for purposes of this act in excess of the amount of state aid received for these purposes.

Federal Requirements

All requirements of federal law shall be obeyed; particularly those addressed in provision of Title 1 program services, and IDEA. (See policies 6171.3 At-risk and Title 1 and 6171.4 Special Education.)

Implementation

The superintendent shall develop rules, regulations and procedures for the efficient and economical delivery of such services and supplies as are mandated by law. Wherever possible, already existing means and procedures for delivering those same supplies and services to the students attending the district's public schools shall be utilized.

Adopted: June 1999
NJSBA Review/Update: April 2012
Readopted: December 2013

Key Words

Nonpublic School Students, Health

NONPUBLIC SCHOOL STUDENTS (continued)

Legal References:	<u>N.J.S.A. 18A:39-1 et seq.</u>	Transportation of students
	<u>N.J.S.A. 18A:40-3.2 et seq.</u>	Medical and Nursing Personnel
	<u>N.J.S.A. 18A:40-23 et seq.</u>	Nursing Services for Nonpublic School Students
	<u>N.J.S.A. 18A:40A-1 et seq.</u>	Substance Abuse
	<u>See particularly:</u>	
	<u>N.J.S.A. 18A:40A-5, -17(c)</u>	
	<u>N.J.S.A. 18A:46-19.1 et seq.</u>	Remedial services for handicapped children in nonpublic schools ...
	<u>N.J.S.A. 18A:46A-1 et seq.</u>	Auxiliary services (nonpublic school students)
	<u>N.J.S.A. 18A:58-37.3</u>	Purchase and loan of textbooks
	<u>N.J.A.C. 6A:14-1.1 et seq.</u>	Special Education
	<u>See particularly:</u>	
	<u>N.J.A.C. 6A:14-6.1 et seq.</u>	
	<u>N.J.A.C. 6A:16-1.4(a)9</u>	District policies and procedures
	<u>N.J.A.C. 6A:16-2.5</u>	Nursing services to nonpublic school students
	<u>N.J.A.C. 6A:23A-20.1</u>	Eligibility
	<u>N.J.A.C. 6A:23A-20.2</u>	Responsibility of the district board of education
	<u>N.J.A.C. 6A:27-2.1 et seq.</u>	Nonpublic School Transportation
	<u>N.J.A.C. 6A:30-1.1 et seq.</u>	Evaluation of the Performance of School Districts
	<u>N.J.A.C. 6A:32-14.1</u>	Review of mandated programs and services

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) -Part B

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

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

Agostini v. Felton, 521 U.S. 203 (1997), overruling Aguilar v. Felton, 473 U.S. 402 (1985)

Mitchell v. Helms, No. 98-1648, 2000 U.S. Lexis 4485 (June 28, 2000) 530 U.S. 793 (2000)

Parents for Student Safety, Inc. v. Board of Education of the Morris School District, 1986 S.L.D. (February 5), St. Bd. rev'g 1984 S.L.D. (August 24)

Possible

Cross References:	*1330	Use of school facilities
	*1600	Relations between other entities and the district
	*3541.1	Transportation routes and services
	*5131.6	Drugs, alcohol, tobacco (substance abuse)
	*5141.1	Accidents
	*5141.2	Illness
	*5141.3	Health examinations and immunizations
	*6145.1/6145.2	Intramural competition; interscholastic competition
	*6171.3	At-risk and Title 1
	*6171.4	Special education
	6174	Summer school

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