

EDUCATIONAL EQUITY POLICIES/AFFIRMATIVE ACTION PROGRAM (M)

1140 EDUCATIONAL EQUITY POLICIES/AFFIRMATIVE ACTION PROGRAM  
(M)

The Board of Education shall adopt and implement written educational ~~equality and~~-equity policies in accordance with the provisions of N.J.A.C. 6A:7 – Managing ~~fFor Equality And-Equity i~~In Education.

The Board's ~~educational equity affirmative action program~~policies shall recognize and value the diversity of persons and groups within ~~the community-society~~ and promote the acceptance of persons of diverse backgrounds regardless of ~~the protected categories listed at N.J.A.C. 6A:7-1.1(a) and pursuant to N.J.A.C. 6A:7-1.4(a) race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.~~ The educational equity policies affirmative action program will ~~also~~ promote equal-equitable educational opportunity and foster a learning environment that is free from all forms of prejudice, discrimination, and harassment based upon the protected categories listed at N.J.A.C. 6A:7-1.1(a) and pursuant to N.J.A.C. 6A:7-1.4(a) race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status in the policies, programs, and practices of the Board of Education.

The Board shall inform the school community ~~it serves~~ of these policies in a manner including, but not limited to, the district's customary methods of information dissemination pursuant to N.J.A.C. 6A:7-1.4(b). ~~The Board shall develop a Comprehensive Equity Plan once every three years, which shall identify and correct all discriminatory and inequitable educational and hiring policies, patterns, programs, and practices affecting its facilities, programs, students, and staff.~~

~~The Board shall assess the district's needs for achieving equality and equity in educational programs based on an analysis of student performance data such as: National Assessment of Educational Progress and State assessment results, Pre-Kindergarten through grade twelve promotion/retention data, Pre-Kindergarten through grade twelve completion rates; re-examination and re-evaluation of classification and placement of students in special education programs if there is an over representation within certain groups; staffing practices; student demographic and behavioral data; quality of program data; and stakeholder satisfaction data prior to developing the Comprehensive Equity Plan. The purpose of the needs assessment is to identify and eliminate discriminatory~~



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~~practices and other barriers in achieving equality and equity in educational programs.~~

~~Pursuant to N.J.A.C. 6A:7-1.5, t~~The Board ~~shall~~ annually shall designate a member of its staff as the Affirmative Action Officer and form an Affirmative Action Team, ~~of whom the Affirmative Action Officer is a member,~~ to coordinate and implement the requirements of N.J.A.C. 6A:7 – Managing ~~f~~For Equality And Equity in Education. The Board shall ~~ensure~~assure that all stakeholders know who the Affirmative Action Officer is and how to contact the Affirmative Action Officer.~~access him or her.~~

The Affirmative Action Officer shall have a New Jersey standard certification with an administrative, instructional, or educational services endorsement, pursuant to N.J.A.C. 6A:9B – State Board of Examiners and Certification.~~et seq.~~ The Affirmative Action Officer shall: coordinate the required professional development training for all personnel~~certificated and non-certificated staff~~ pursuant to N.J.A.C. 6A:7-1.6; notify all students and employees of the district's grievance procedures.~~including investigative responsibilities and reporting information, are followed; and serve as a member of the Affirmative Action Team. The Affirmative Action Officer may also serve as the school district's Title IX Coordinator for handling discrimination complaints; and ensure the district grievance procedures, which include investigative responsibilities and reporting information, are followed.~~

In accordance with N.J.A.C. 6A:7-1.5(a)4., tThe Affirmative Action Team shall: include, to the extent possible, members who represent the diversity of the school district's student population; develop the Comprehensive Equity Plan (CEP) pursuant to N.J.A.C. 6A:7-1.4(c); oversee the implementation of the school district's CEP pursuant to N.J.A.C. 6A:7-1.4(c); collaborate on coordination of the required professional development training for all personnel pursuant to N.J.A.C. 6A:7-1.6; monitor the implementation of the CEP; and conduct the annual district internal monitoring to ensure continuing compliance with State and Federal statutes governing educational equity, pursuant to N.J.A.C. 6A:7-1.4(d).~~develop the Comprehensive Equity Plan pursuant to N.J.A.C. 6A:7-1.4(c); oversee the implementation of the district's Comprehensive Equity Plan pursuant to N.J.A.C. 6A:7-1.4(c); collaborate with the Affirmative Action Officer on coordination of the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6; monitor the implementation of the Comprehensive Equity Plan; and conduct the annual district internal monitoring to ensure continuing compliance with State and Federal statutes governing educational equality and equity, pursuant to N.J.A.C. 6A:7-1.4(d).~~





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In accordance with N.J.A.C. 6A:7-1.6, tThe Board shall provide, on a continuing basis, professional development training for all to all certificated and non-certificated school personnel staff members on a continuing basis to identify and resolve problems associated with the student achievement and opportunity gaps and other inequities on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a). The professional development training shall be differentiated based on staff position type and shall be based on the analysis of data conducted pursuant to N.J.A.C. 6A:7-1.4(c)1. The district shall ensure that parents and other community members are aware of professional development training provided to school district personnel regarding topics around equity. The district shall ensure all new personnel are provided within the first ninety days of employment with professional development training on educational equity issues and other inequities arising from prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. All new certificated and non-certificated staff members shall be provided with professional development training on educational equality and equity issues within the first year of employment. Parents and other community members shall be invited to participate in the professional development training.

The Commissioner ~~or his/her designee~~ shall provide technical assistance to local school districts for the development of policy guidelines, procedures, and in-service training for Affirmative Action Officers so as to aid in the elimination of prejudice on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a).~~basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.~~

N.J.A.C. 6A:7-1.1; 6A:7-1.3; 6A:7-1.4; 6A:7-1.5; 6A:7-1.6~~6A:7-1.4; 6A:7-1.5; 6A:7-1.6~~

Adopted: 14 February 2011  
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## 1523 COMPREHENSIVE EQUITY PLAN

The Board of Education shall submit complete a Comprehensive Equity Plan (CEP) ~~based on an assessment of the district's needs for achieving equity in educational programs that~~ includes set of policies, programs, and practices that ensure high expectations and positive achievement patterns and equitable access to educational opportunities for all learners, including students and teachers, in accordance with the provisions of N.J.A.C. 6A:7-1.8, ~~a cohesive set of policies, programs, and practices that ensure high expectations and positive achievement patterns and equal access to education opportunity for all learners, including students and teachers.~~

The Board's obligation to be accountable for the requirements in N.J.A.C. 6A:7 is not precluded or alleviated by any rule or regulation of any recreational organization, club, athletic association, or other league or organizing group.

Pursuant to N.J.A.C. 6A:7-1.4(c), the district shall develop, once every three years, a CEP that shall identify and correct all discriminatory and inequitable educational policies, patterns, programs, and practices affecting its facilities, programs, students, and staff.

1. Prior to developing the CEP, the district shall assess its needs for achieving equity in educational activities and programs pursuant to N.J.A.C. 6A:7-1.4(c)1. The needs assessment shall identify discriminatory practices and other barriers to achieving equity in educational activities and programs, if applicable.
2. The CEP shall address:
  - a. Professional development, pursuant to N.J.A.C. 6A:7-1.6; and
  - b. Equity in school and classroom practices, educational activities, and programs pursuant to N.J.A.C. 6A:7-1.7.
3. The CEP shall include measurable and actionable goals, objectives, timelines, and benchmarks for measuring progress.
4. The Board shall submit the CEP to the Executive County Superintendent for confirmation of completion.



a. If the Executive County Superintendent determines that the CEP is not complete, the Board shall revise the plan in accordance with the Executive County Superintendent's instructions and shall submit to the Executive County Superintendent the revised plan within thirty days of the notification of incompleteness.

Pursuant to N.J.A.C. 6A:7-1.8(c), the CEP

The Comprehensive Equity Plan shall include the following:

1. An assessment of the school district's needs for achieving equity in educational activities and programs. The assessment shall include staffing practices; quality-of-program data, stakeholder-satisfaction data, and student assessment and behavioral data disaggregated by gender, race, ethnicity, limited English proficiency, multilingual learner status, special education, migrant, date of enrollment, student suspension, expulsion, Child Study Team referrals, preschool through grade twelve promotion/retention data, preschool through grade twelve completion rates, attendance data, and re-examination and re-evaluation of classification and placement process of students in special education programs if there is disproportionality/overrepresentation within a certain group;
2. A description of how other Federal, State, and district policies, programs, and practices are aligned to the Comprehensive Equity Plan CEP;
3. Progress targets for closing the achievement and opportunity gaps;
4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by the New Jersey Student Learning Standards (NJSLS), differentiated instruction and formative assessments aligned to the NJSLS, and professional standards for teachers and school leaders; and Core Curriculum Content Standards; differentiated instruction and formative assessments aligned to Core Curriculum Content Standards; and high expectations for teaching and learning; and
5. Annual targets that address addressing district needs in equity in school and classroom practices and that are aligned to professional development targets.





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The Board shall implement the CEP within sixty days of the Executive County Superintendent's certification of completion.

If the Board does not implement the CEP within sixty days of the Executive County Superintendent's certification of completion date, or fails to report its progress annually, sanctions deemed to be appropriate by the Commissioner of Education or designee shall be imposed, and may include action to suspend, terminate, or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2.

N.J.A.C. 6A:7-1.1; 6A:7-1.3; 6A:7-1.4; 6A:7-1.7; 6A:7-1.8

~~A Comprehensive Equity Plan shall be written every three years and the Board of Education shall initiate the Comprehensive Equity Plan within sixty days of its approval and shall implement the plan in accordance with the timelines approved by the New Jersey Department of Education.~~

~~In the event the Board of Education does not implement the Comprehensive Equity Plan within one hundred eighty days of its approval date, or fails to report its progress annually, sanctions deemed to be appropriate by the Commissioner of Education or his/her designee shall be imposed, and may include action to suspend, terminate, or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2.~~

~~N.J.A.C. 6A:7-1.9~~

Adopted: 11 April 2005  
Revised: 14 February 2011  
Approved on first reading June 20, 2016  
Scheduled for second reading on July 20, 2016  
Revised: July 20, 2016  
Revised: June 18, 2024



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The Board's obligation to be accountable for the requirements in N.J.A.C. 6A:7 is not precluded or alleviated by any rule or regulation of any recreational organization, club, athletic association, or other league or organizing group.

Pursuant to N.J.A.C. 6A:7-1.4(c), the district shall develop, once every three years, a CEP that shall identify and correct all discriminatory and inequitable educational policies, patterns, programs, and practices affecting its facilities, programs, students, and staff.

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2. The CEP shall address:
  - a. Professional development, pursuant to N.J.A.C. 6A:7-1.6; and
  - b. Equity in school and classroom practices, educational activities, and programs pursuant to N.J.A.C. 6A:7-1.7.
3. The CEP shall include measurable and actionable goals, objectives, timelines, and benchmarks for measuring progress.
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Pursuant to N.J.A.C. 6A:7-1.8(c), the CEP

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2. A description of how other Federal, State, and district policies, programs, and practices are aligned to the Comprehensive Equity Plan CEP;
3. Progress targets for closing the achievement and opportunity gaps;
4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by the New Jersey Student Learning Standards (NJSLS), differentiated instruction and formative assessments aligned to the NJSLS, and professional standards for teachers and school leaders; and Core Curriculum Content Standards; differentiated instruction and formative assessments aligned to Core Curriculum Content Standards; and high expectations for teaching and learning; and
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N.J.A.C. 6A:7-1.1; 6A:7-1.3; 6A:7-1.4; 6A:7-1.7; 6A:7-1.8

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N.J.A.C. 6A:7-1.9

Adopted: 11 April 2005  
Revised: 14 February 2011  
Approved on first reading June 20, 2016  
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Revised: July 20, 2016  
Revised: June 18, 2024





## EQUAL EMPLOYMENT OPPORTUNITIES (M)

### 1530 EQUAL EMPLOYMENT OPPORTUNITIES (M)

The Board of Education shall, in accordance with law, promote equal employment opportunity throughout the district.

~~The Board shall ensure all persons shall have equal and bias-free access to all categories of employment and equal pay for equal work in this district without discriminating on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a). The Board shall ensure all persons shall have equal and bias-free access to all categories of employment and equal pay for equal work in this district without regard to the candidate's race, color, creed, religion, national origin, ancestry, age, marital/civil union status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability, pursuant to N.J.A.C. 6A:7-1.1. The school district's employment applications and pre-employment inquiries conform to all Federal and State laws and regulations.~~

~~The school district's employment applications and pre-employment inquiries will conform to the guidelines of the New Jersey Division of Civil Rights.~~

~~The Board will use equitable hiring practices that prevent correct imbalance and isolation based on any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) among the district's staff and within every category of employment, including administration. Promotions and transfers will be monitored to ensure non-discrimination based on race, color, creed, religion, national origin, ancestry, age, marital/civil union status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability among the district's certificated and non-certificated staff and within every category of employment, including administration. Promotions and transfers will be monitored to ensure non-discrimination.~~

~~The Board shall not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a). race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.~~

~~The Board will target identify underrepresented-underutilized groups in every category of employment. The Board will provide among the faculty of each school role models of diverse backgrounds, and strive to improve the number of qualified individuals who are underrepresented in each of those groups.~~



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### EQUAL EMPLOYMENT OPPORTUNITIES (M)

The Board shall not enter into ~~or maintain~~ contracts with ~~a~~ persons, agencies, or organizations that discriminates in employment ~~practices~~ or in the provision of benefits or services, on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a), either in employment practices or in the provision of benefits or services to students or employees, race, color, creed, religion, national origin, ancestry, age, marital/civil union status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability, either in employment practices or in the provision of benefits or services to ~~students~~ pupils or employees ~~pursuant to N.J.A.C. 6A:7-1.1.~~

The Superintendent shall promulgate a complaint procedure for the adjudication of disputes alleging violation of the law prohibiting discrimination in employment or this ~~P~~policy.

The Board shall not discriminate against any person for that person's exercise of rights under the laws prohibiting discrimination in employment or this ~~P~~policy.

~~N.J.S.A. 10:5-4; 10:5-12;  
N.J.S.A. 18A:6-5; 18A:6-6; 18A:28-10; 18A:29-2  
N.J.A.C. 6A:7-1.1; 6A:7-1.3~~

~~N.J.S.A. \_\_\_\_\_~~

~~18A:6-5  
18A:6-6  
18A:28-10  
18A:29-2~~

~~N.J.A.C. \_\_\_\_\_ 6A:7-1.1; 6A:7-1.8~~

ADOPTED: 12 January 2009  
REVISED: 14 February 2011  
REVISED: September 28, 2016  
REVISED: June 18, 2024





# REGULATION

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### EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE (M)

#### R 1530 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE (M)

##### A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of State statutes and administrative codes, and Federal laws and Policy No. 1530, guaranteeing "equal access to all categories of employment without discriminating on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a)."~~regard to the candidate's race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability."~~
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual employees.

##### B. Definitions

1. "Board of Education" means the Board of Education of Livingston Public Schools.
2. "Complaint" means an alleged discriminatory act or practice.
3. "Complainant" means a staff member who alleges a discriminatory act or practice.
4. "Day" means a working or calendar day as identified.



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### EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE (M)

5. "Discriminatory act or practice" means denial of equal employment opportunity in violation of State statutes and administrative codes and Federal laws and Policy No. 1530.

6. "School district" means the Livingston Public Schools.

#### C. Procedure

1. A complainant who believes that ~~he/she has~~they have been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with ~~his/her~~their immediate supervisor in an attempt to resolve the matter informally.

2. If the matter is not resolved to the satisfaction of the complainant within thirty working days of the discussion with their supervisor, the complainant may submit a complaint to the Affirmative Action Officer. The complaint may be reported: in person; in writing; verbally by telephone; by mail to the office address; or by electronic mail. The complaint may be reported during business or non-business hours.~~If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer.~~

3. The complaint ~~will~~ shall include:

- a. The complainant's name and address,
- b. The specific act or practice of which ~~that~~ the complainant complains ~~of~~,
- c. The school employee, if any, responsible for the allegedly discriminatory act,
- d. The results of discussions conducted in accordance with ~~paragraph~~ C.1., above and
- e. The reasons why ~~the these~~ results of the discussions were ~~are~~ not satisfactory to the complainant.





## EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE (M)

34. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the ~~written~~ complaint filed in accordance with C.2. above. A copy of the complaint and the response will be forwarded to the Superintendent.
45. The ~~response of the~~ Affirmative Action Officer's written response may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
56. On his/her/their timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.
67. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
78. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
- a. The original complaint,
  - b. The response to the complaint,
  - c. The Superintendent's decision,



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### EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE (M)

- d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
  - e. The complainant's reason for believing the Superintendent's decision should be changed.
89. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
910. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
101. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
142. The complainant will be informed of ~~their~~his/her right to appeal the Board's decision to the:
- a. Commissioner of Education  
New Jersey State Department of Education  
P.O. Box 500  
Trenton, New Jersey 08625-0500  
~~Telephone: (877) 900-6960~~ or the
  - b. New Jersey Division on Civil Rights  
~~Central Trenton~~ Regional Office  
Office of the Attorney General  
140 East Front Street – 6<sup>th</sup> Floor  
Trenton, New Jersey 08625-0090  
~~Telephone: (609) 292-4605~~

#### D. Record

- 1. The records of any complaint processed in accordance with this procedure shall be maintained in a file kept by the Affirmative Action Officer.





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2. A copy of the decision rendered at the highest level of appeal will finding a discriminatory act has occurred shall be kept in the employee's personnel file of the employee found to have committed a discriminatory act.

Approved: July 20, 2016

Revised: June 18, 2024



## EQUAL EMPLOYMENT/ANTI-DISCRIMINATION AFFIRMATIVE ACTION PROGRAM FOR

### 1550 EQUAL EMPLOYMENT/ANTI-DISCRIMINATION AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND CONTRACT PRACTICES (M)

The Board of Education shall, in accordance with State statutes and administrative code and Federal law and regulations, strive to overcome the effects of any previous patterns of discrimination in district employment practices and shall systematically monitor district procedures to ensure continuing compliance with current Federal and State anti-discrimination laws and regulations.

The Board will ensure all persons regardless of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) shall have equal and bias-free access to all categories of employment in the public educational system of New Jersey.~~of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status shall have equal and bias-free access to all categories of employment in the public educational system of New Jersey, pursuant to N.J.A.C. 6A:7-1.1.~~

The Board will not enter into any contract with a person, agency, or organization that discriminates on the basis of of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) shall have equal and bias-free access to all categories of employment in the public educational system of New Jersey.~~race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status,~~ either in employment practices or in the provision of benefits or services to students or employees. In addition, the Board will encourage minority businesses, women's business enterprises, and labor surplus area firms to submit bids to be considered for the awarding of contracts.

The Board shall not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a).~~race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.~~

The Board shall ensure equal pay for equal work among members of the school district's staff, regardless of the protected categories listed at N.J.A.C. 6A:7-1.1(a).

N.J.S.A. 10:5-4; 10:5-12





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### EQUAL EMPLOYMENT/ANTI-DISCRIMINATION/AFFIRMATIVE ACTION PROGRAM FOR

N.J.A.C. 6A:7-1.1; 6A:7-1.3

~~The Board shall ensure equal pay for equal work among members of the district's staff, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.~~

N.J.A.C. 6A:7-1.1 et seq.; 6A:7-1.8

Adopted: 11 April 2005

Revised: 12 January 2009

Revised: 14 February 2011

Approved on first reading June 20, 2016

Scheduled for second reading July 20, 2016

Revised: July 20, 2016

Revised: June 18, 2024



# REGULATION

## LIVINGSTON BOARD OF EDUCATION

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CURRICULUM CONTENT

### R 2200 CURRICULUM CONTENT (M)

Courses of study and instructional materials and programs shall be designed to eliminate discrimination on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) and promote understanding and mutual respect between children.

~~The Superintendent or designee shall develop a procedure to address and eliminate any possible bias in the curriculum.~~

~~and promote understanding and mutual respect between children regardless of race, color, creed, age, marital status, affectional or sexual orientations, gender, gender identity or expression, religion, ancestry, national origin, socioeconomic status, and/or disability.~~

~~In order to eliminate possible bias in the curriculum, staff shall use the following criteria:~~

~~A. When instructional material contains stereotypes or discriminatory statements, staff should help students identify the stereotypes or discriminatory statement(s) and discuss with students the consequences of repeated stereotyping and discriminatory statements.~~

~~B. If a particular instructional material is highly objectionable, staff should not use it; such material should be brought to the attention of the Building Principal so that the Affirmative Action Officer can evaluate the objectionable material. Alternatively, the teacher might discuss the questionable material instead of eliminating it, depending on the makeup and maturity of the class and the purposes of the instruction.~~

~~C. Another recommended technique for handling materials that contain biases or stereotypes is to offset it by using unbiased supplementary materials.~~

~~D. Community involvement when developing instructional programs and attendant materials shall be encouraged.~~

Adopted: September 28, 2016

Revised: June 18, 2024





## AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

### 2260 AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

The Board of Education shall provide ~~all students with equitable equal~~ and bias-free access ~~for all students~~ to all school facilities, courses, programs, activities, and services, regardless of ~~the protected categories listed at N.J.A.C. 6A:7-1.1(a). race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status,~~ by:

1. Ensuring ~~equal and~~ barrier-free access to all school and classroom facilities;
2. Attaining, within each school, minority representation ~~within each school~~, which approximates the district's overall minority representation. Exact apportionment is not required, ~~however~~, the ultimate goal is a reasonable plan achieving the greatest degree of a representative racial balance, ~~which that~~ is feasible and consistent with sound educational values and procedures;
3. Utilizing, on an annual basis, a State-approved English language proficiency assessment that evaluates a student's English language proficiency on the four domains of listening, speaking, writing, and reading for determining the eligibility and placement of students who may be identified as multilingual learners pursuant to N.J.A.C. 6A:15-1.3(a)3. ~~Utilizing a State-approved English language proficiency measure on an annual basis for determining the special needs of English language learners and their progress in learning English pursuant to N.J.A.C. 6A:15-1.3(b);~~
4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities, pursuant to N.J.A.C. 6A:14-3.4;
5. Ensuring ~~that~~ support services, including intervention and referral services and school health services pursuant to N.J.A.C. 6A:16, are available to all students; and
6. Ensuring ~~that~~ a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies that such exclusion is necessary. ~~If excluded, the student shall be provided with~~



## AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

~~equivalent and timely instruction that may include home instruction, without prejudice or penalty.~~

- a. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty.

Pursuant to N.J.A.C. 6A:7-1.7(b), the Board shall ensure the district's curriculum and instruction are aligned to the New Jersey Student Learning Standards (NJSLS). The Board also shall ensure its curriculum and instruction address the elimination of discrimination by narrowing the achievement and opportunity gaps, by providing equity in educational activities and programs, and by providing opportunities for students to interact positively with others regardless of the protected categories listed at N.J.A.C. 6A:7-1.1(a), by:

1. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a);
2. Ensuring courses shall not be offered separately on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a);
  - a. Portions of classes that deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions based on gender identity, provided that the course content for such separately conducted sessions is the same.
3. Increasing and promoting equitable representation of all students in all classes and programs;
4. Ensuring schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials and methods, and ensuring students understand the basic tenet of multiculturalism;
5. Ensuring the Amistad Commission Curriculum is infused into the curriculum and is taught;
6. Ensuring the Commission on Holocaust Education curriculum is included in the curriculum of all elementary and secondary schools, as developmentally appropriate, pursuant to N.J.S.A. 18A:35-28; and





## AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

7. Ensuring all curricular requirements pursuant to N.J.A.C. 6A:8 and the NJSLS are taught, including any curriculum developed concerning any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) or curriculum developed by any commissions constituted for the development of curriculum concerning any of the protected categories listed at N.J.A.C. 6A:7-1.1(a).

The Board shall ensure the district's physical education is in a co-educational setting that is developmentally appropriate and does not discriminate on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a) as follows:

1. The district shall provide separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be comparable;
2. The district may choose to operate separate teams based on sex in one or more sports or single teams open competitively to members of all sexes, as long as the athletic program as a whole provides equal opportunities for students of all sexes to participate in sports at comparable levels of difficulty and competency; and
3. The activities comprising such athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season, and all other related areas or matters.

N.J.S.A. 18A:36-20

N.J.A.C. 6A:7-1.1; 6A:7-1.3; 6A:7-1.7

The Board of Education shall ensure that the district's curriculum and instruction are aligned to the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs and by providing opportunities for students to interact positively with others regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, by:

1. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race;





## AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

- ~~creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;~~
- ~~2. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;~~
    - ~~a. Portions of classes which deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female students, provided that the course content for such separately conducted sessions is the same.~~
  - ~~3. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs including gifted and talented, accelerated, and advanced classes;~~
  - ~~4. Ensuring that schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials and methods, and that students understand the basic tenet of multiculturalism;~~
  - ~~5. Ensuring that African American history, as well as the history of other cultures, is infused into the curriculum and taught as part of the history of the United States, pursuant to N.J.S.A. 18A:35-1 and the New Jersey Core Curriculum Content Standards; and~~
  - ~~6. Ensuring that instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate, pursuant to N.J.S.A. 18A:35-28.~~

~~The Board of Education shall ensure all students have access to adequate and appropriate counseling services. When informing students about possible careers, professional or vocational opportunities, the Board shall not restrict or limit the options presented to students on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. The district will not use tests, guidance, or counseling materials which are biased or stereotyped on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status.~~



## AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES (M)

~~The Board of Education shall ensure that the district's physical education program and its athletic programs are equitable, co-educational, and do not discriminate on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, as follows:~~

- ~~1. The district shall provide separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be comparable;~~
- ~~2. A school within the school district may choose to operate separate teams for both genders in one or more sports or single teams open competitively to members of both genders, so long as the athletic program as a whole provides equal opportunities for students of both genders to participate in sports at comparable levels of difficulty and competency; and~~
- ~~3. The activities comprising such athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season, and all other related areas or matters.~~

~~N.J.S.A. 18A:36-20~~

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

Adopted: August 16, 2010

Revised: April 11, 2016

Approved on first reading June 20, 2016

Schedule for second reading July 20, 2016

Revised: July 20, 2016

Revised: June 18, 2024





# REGULATION

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### AFFIRMATIVE ACTION PROGRAM FOREQUITY IN SCHOOL AND CLASSROOM PRACTICES COMPLAINT PROCEDURE (M)

#### R 2260 AFFIRMATIVE ACTION PROGRAM FOREQUITY IN SCHOOL AND CLASSROOM PRACTICES COMPLAINT PROCEDURE (M)

##### A. Purpose and Application

1. The purpose of this procedure is to give any student or the parent(s) of a student the opportunity to appeal an alleged violation of the district's Affirmation Action Plan for school and classroom practices, as set forth in Policy 2260.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and will be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual students.

##### B. Definitions

1. "Affirmative Action Officer" means the district official responsible for the coordination of activities relating to compliance with the Affirmative Action Plan.
2. "Affirmative Action Plan" means the Affirmative Action Plan for school and classroom practices adopted by the Board of Education.
3. "Board of Education" means the Board of Education of this school district.
4. "Complainant" means a student or parent(s) who believes that they have been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan.





# REGULATION

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### AFFIRMATIVE ACTION PROGRAM FOREQUITY IN SCHOOL AND CLASSROOM PRACTICES COMPLAINT PROCEDURE (M)

5. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding the Affirmative Action Plan.

6. "Day" means a working or calendar day as identified.

7. "Student" means an individual enrolled in any formal educational program provided by the school district.

8. "School district" means this school district.

9. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy 2260 and/or included in the Affirmative Action Plan.

#### C. Procedure

1. A complainant shall discuss their complaint with the staff member most closely involved in an attempt to resolve the matter informally.

2. If the matter is not resolved to the satisfaction of the complainant within thirty working days of the discussion with the staff member most closely involved, the complainant may submit a complaint to the Affirmative Action Officer. The complaint may be reported: in person; in writing; verbally by telephone; by mail to the office address; or by electronic mail. The complaint may be reported during business or non-business hours.

3. The complaint shall include:

a. The student's name and, in the complaint of a person acting on behalf of the student, the name and address of the complainant;

b. The specific failure to act of which the complainant complains;

c. The school employee, if any, responsible for the alleged violation of the Affirmative Action Plan;

d. The results of discussions conducted in accordance with C.1. above; and



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### AFFIRMATIVE ACTION PROGRAM FOR EQUITY IN SCHOOL AND CLASSROOM PRACTICES COMPLAINT PROCEDURE (M)

e. The reasons why the results of the discussions were not satisfactory to the complainant.

4. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the complaint filed in accordance with C.2. above. A copy of the complaint and the response will be forwarded to the Superintendent.

5. The Affirmative Action Officer's written response may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.

6. On their timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation.

7. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board.

8. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:

a. The original complaint;

b. The response to the complaint;

c. The Superintendent's decision;





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### ~~AFFIRMATIVE ACTION PROGRAM FOREQUITY IN SCHOOL AND CLASSROOM PRACTICES COMPLAINT PROCEDURE~~ (M)

- d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
- e. The complainant's reason for believing the Superintendent's decision should be changed.
- 9. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.
- 10. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
- 11. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
- 12. The complainant will be informed of their right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.

#### D. Record

- 1. The records of any complaint processed in accordance with this procedure shall be maintained in a file separate from the student's cumulative file. A notation shall be made in the student's file of the presence of the record in the separate file.
- 2. A copy of the decision rendered at the highest level finding a violation of the Affirmative Action Plan has occurred shall be kept in the personnel file of the employee found to have committed a violation of the Affirmative Action Plan.

#### A. Purpose and Application

- 1. The purpose of this procedure is to give any student or the parent(s) or legal guardian(s) of a student the opportunity to appeal an alleged violation of the





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### ~~AFFIRMATIVE ACTION PROGRAM~~ FOREQUITY IN SCHOOL AND CLASSROOM PRACTICES ~~COMPLAINT PROCEDURE~~ (M)

~~district's Affirmative Action Plan for school and classroom practices, as set forth in Policy No. 2260.~~

~~2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and will be implemented in an informal manner.~~

~~3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.~~

~~4. All participants in the procedure will respect the confidentiality that this district accords to information about individual students.~~

#### ~~B. Definitions~~

~~1. "Affirmative Action Officer" means the district official responsible for the coordination of activities relating to compliance with the Affirmative Action Plan.~~

~~2. "Affirmative Action Plan" means the Affirmative Action Plan for school and classroom practices adopted by the Board.~~

~~3. "Board of Education" means the Board of Education of the Livingston School District.~~



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## LIVINGSTON BOARD OF EDUCATION

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### ~~AFFIRMATIVE ACTION PROGRAM~~ **FOREQUITY IN SCHOOL AND** **CLASSROOM PRACTICES COMPLAINT PROCEDURE (M)**

4. ~~“Complainant” means a student or parent(s) or legal guardian(s) who believes that he/she has been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan.~~

5. ~~“Complaint” means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding the Affirmative Action Plan.~~

6. ~~“Day” means a working or calendar day as identified.~~

7. ~~“Student” means an individual enrolled in any formal educational program provided by the school district.~~

8. ~~“School district” means the Livingston School District.~~

9. ~~“Violation” means the failure of a district official or employee to take the positive steps outlined in Policy No. 2260 and/or included in the Affirmative Action Plan.~~

#### C. ~~Procedure~~

1. ~~A complainant shall discuss his/her complaint with the staff member most closely involved in an attempt to resolve the matter informally.~~

2. ~~If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:~~



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### ~~AFFIRMATIVE ACTION PROGRAM~~ FOREQUITY IN SCHOOL AND CLASSROOM PRACTICES ~~COMPLAINT PROCEDURE~~ (M)

- a. ~~The student's name and, in the complaint of a person acting on behalf of the student, the name and address of the complainant;~~
  - b. ~~The specific failure to act that the complainant complains of;~~
  - c. ~~The school employee, if any, responsible for the alleged violation of the Affirmative Action Plan;~~
  - d. ~~The results of discussions conducted in accordance with paragraph C1, and~~
  - e. ~~The reasons why those results are not satisfactory.~~
3. ~~The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.~~
  4. ~~The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the~~  
  
~~response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.~~





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### ~~AFFIRMATIVE ACTION PROGRAM FOREQUITY IN~~ SCHOOL AND CLASSROOM PRACTICES ~~COMPLAINT PROCEDURE~~ (M)

5. ~~On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.~~
6. ~~The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board.~~
7. ~~The complainant may appeal the Superintendent's decision to the Board of Education by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:~~
  - a. ~~The original complaint,~~
  - b. ~~The response to the complaint,~~
  - c. ~~The Superintendent's decision,~~
  - d. ~~A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and~~



# REGULATION

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### ~~AFFIRMATIVE ACTION PROGRAM FOREQUITY IN~~ SCHOOL AND CLASSROOM PRACTICES ~~COMPLAINT PROCEDURE~~ (M)

~~e. The complainant's reason for believing the Superintendent's decision should be changed.~~

~~8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.~~

~~9. The Board of Education will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be~~

~~represented by counsel and may present and examine witnesses, who will testify under oath.~~

~~10. The Board of Education will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.~~

~~11. The complainant will be informed of his/her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.~~

~~D. Record~~

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



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~~AFFIRMATIVE ACTION PROGRAM FOR EQUITY IN~~ SCHOOL AND  
CLASSROOM PRACTICES ~~COMPLAINT PROCEDURE~~ (M)

Adopted: Nov.23, 2015

Revised: April 11, 2016

Revised: June 18, 2024





## 2411 SCHOOL COUNSELING (M)

The Board of Education requires that a planned program of school counseling be an integral part of the educational program of the schools to assist students in making and implementing informed educational and occupational choices including academic, career and personal/social development.

A program of school counseling, including developmental career school and exploration, shall be offered to all students in this school district and shall involve the coordinated efforts of all teaching staff members under the leadership of certified school counseling personnel.

The Superintendent is directed to implement a school counseling program that carries out the purposes of this ~~P~~policy and:

1. Involves teaching staff members at all appropriate levels;
2. Honors the individuality of each student;
3. Is integrated with the total educational program;
4. Is coordinated with available resources of the community;
5. Provides for cooperation of school staff with parent(s) or legal guardian(s) and shares parents' or legal guardians' concern for the development of their children;
6. Provides for the means of sharing information among appropriate staff members in the student's interest;

7. Ensures all students have access to adequate and appropriate counseling services, pursuant to N.J.A.C. 6A:7-1.7(c).

a. When informing students about possible careers or professional or vocational opportunities, the Board shall not restrict or limit the options presented to students on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a).

b. The Board shall not use tests or guidance or counseling materials that are biased or stereotyped on the basis of the protected categories listed at N.J.A.C. 6A:7-1.1(a); and



# POLICY

## LIVINGSTON BOARD OF EDUCATION

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SCHOOL COUNSELING (M)

~~Is available equitably to all students and prohibits biased school counseling and the use of materials that discriminate among students on the basis of their race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation gender, gender identity or expression, socioeconomic status, or disability; and~~

8. Establishes a referral system that utilizes all the aid the schools and community offer, guards the privacy of the student, and monitors the efficacy of such referrals.

N.J.A.C. 6A:19-1.2; 6A:8-2.2

N.J.A.C. ~~6A:7-1.1; 6A:7-1.3~~; 6A:7-1.7; 6A:8-3.2

Adopted: 16 August 2010

Revised: 28 September 2016

Revised: June 18, 2024



POLICY #2423 - ~~BILINGUAL AND ESL~~ EDUCATION (M)

The Board of Education will provide programs of bilingual education, English as a second language (ESL), and culturally and linguistically responsive, researched-based, and effective language instruction educational programs (LIEP) to all multilingual learners (ML) as required by law and rules of the New Jersey State Board of Education. MLs are those students whose primary language is not English and who have 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 pursuant to N.J.S.A. 18A:35-15 through 18A:35-26.1 and N.J.A.C. 6A:15-1.1 et seq.

The school district shall use, at the time of enrollment, the multi-step process to identify MLs enrolled in the district in accordance with N.J.A.C. 6A:15-1.3. The district shall administer to each student enrolled in the district the Statewide home-language survey (HLS) to determine which students in preschool to twelfth-grade have a primary language(s) other than English and, therefore, may be a ML.

The district shall then determine the English language proficiency of all Kindergarten to Twelfth-grade students who are found eligible through N.J.A.C. 6A:15-1.3(a)1 or (a)2 and whose primary language is other than English by administering an English language proficiency (ELP) assessment. Students who do not meet the New Jersey Department of Education (Department)-established cut score standard on the ELP assessment shall be considered MLs and shall be offered entry into the district's LIEP. Preschool students who are identified as having a primary language other than English shall be identified as MLs. Prior to the start of their Kindergarten year, the district shall administer an ELP assessment to preschool MLs as part of the screener process to determine the ML's English language proficiency level. The district shall also use age-appropriate methodologies to identify preschool MLs to determine their individual language development needs.

The district shall provide to all preschool to twelfth-grade MLs enrolled in the district pursuant to N.J.S.A. 18A:7F-46 and N.J.S.A. 18A:7F-54 with equal educational opportunities and all educational activities and programs in accordance with the provisions of N.J.A.C. 6A:15-1.4.

The school district providing a LIEP shall submit a plan every three years to the Department in accordance with the provisions of N.J.A.C. 6A:15-1.5.

Students enrolled in a LIEP shall have equal educational opportunities, including full access to educational opportunities and services available to other students in the school district pursuant to N.J.A.C. 6A:15-1.6.





As part of the district- and school-level plans for professional development requirements pursuant to N.J.A.C. 6A:9C-4.2, the Board shall describe professional learning for bilingual, ESL, and academic content teaching staff members whose classroom instruction is in English; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teaching staff members of MLs in accordance with the provisions of N.J.A.C. 6A:15-1.7.

All teachers of bilingual programs shall hold a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or academic content area and a standard certificate with a bilingual/bicultural education endorsement, pursuant to N.J.S.A. 18A:6-38 et seq., N.J.S.A. 18A:35-15 to 26, and N.J.A.C. 6A:9B-11.5 in accordance with the provisions of N.J.A.C. 6A:15-1.8.

Students identified as MLs shall be assessed annually using English Language Placement (ELP) assessments to measure the progress toward English language proficiency and to determine readiness for exiting the LIEP in accordance with the provisions of N.J.A.C. 6A:15-1.9. 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. Every student participating in a bilingual, ESL, or English language services program established pursuant to N.J.S.A. 18A:35-15 et seq. shall be entitled to continue such participation for a period of three years pursuant to N.J.S.A. 18A:35-19.

MLs enrolled in the LIEP shall be placed in a classroom(s) where the primary language of instruction is English when the ML has demonstrated readiness to exit a LIEP first by achieving the Department-established cut score on an ELP or alternate 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 observations of the teaching staff members responsible for the educational program of the student; and performance on achievement tests in English.

In accordance with the provisions of N.J.S.A. 18A:35-22.1, a parent may remove a student who is enrolled in a bilingual education program at any time; except that during the first three years of a student's participation in a bilingual education program, a parent may only remove the student at the end of each school year.

If a parent wishes to remove the student prior to the end of each school year, the removal shall be approved by the Executive County Superintendent. If the Executive County Superintendent determines the student should remain in the bilingual education program until the end of the school year, the parent may appeal the Executive County





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Superintendent's decision to the Commissioner of Education or designee pursuant to the provisions of N.J.S.A. 18A:35-19.2.

Newly exited students who are not academically progressing in classes where English is the primary language of instruction may be considered for reentry to a LIEP in accordance with the provisions of N.J.A.C. 6A:15-1.9(g)1 through (g)5.

All MLs shall satisfy requirements for high school graduation pursuant to N.J.A.C. 6A:8-5.1(a) and Policy 5460 in accordance with the provisions of N.J.A.C. 6A:15-1.10.

All Kindergarten through twelfth-grade LIEPs shall be conducted within classrooms within the school district pursuant to N.J.S.A. 18A:35-20 in accordance with the provisions of N.J.A.C. 6A:15-1.11.

The parent of a ML shall be notified in accordance with the provisions of N.J.A.C. 6A:15-1.12 that their child has been identified as eligible for placement in a LIEP. Notice shall be in writing and in the language in which the parent possesses a primary speaking ability, and in English. The notice must also include the provisions detailed at N.J.A.C. 6A:15-1.12(b). Progress reports shall be written in English and in the primary language spoken by the parent of students enrolled in the LIEP.

Pursuant to N.J.A.C. 6A:15-1.13, with approval of the Executive County Superintendent on a case-by-case basis, the Board may join with another district Board to provide a LIEP and an individualized learning opportunity, pursuant to N.J.A.C. 6A:8-5.1(a)2, to a ML who chooses to utilize it to meet the 120-credit graduation requirement, in whole or in part.

The Superintendent or designee shall provide for the maximum practicable engagement of the parent of MLs in the development and review of program objectives and dissemination of information to and from the Boards and communities served by the LIEP in accordance with the provisions of N.J.A.C. 6A:15-1.14. With the exception of a Board implementing an English language services or ESL program, each Board implementing a LIEP shall establish a parent advisory committee on bilingual education of which the majority membership shall be the parents of MLs.

N.J.S.A. 18A:35-15 through 18A:35-26.1  
N.J.A.C. 6A:14-4.10; 6A:15-1.1 et seq.

The Board of Education will provide programs of bilingual education, English as a second language (ESL), and English language services program for English Language Learners



~~(ELLs) as required by law and rules of the New Jersey State Board of Education. ELLs are those students whose native language is other than English and who have varying degrees of English language proficiency in any one of the domains of speaking, reading, writing or listening and is synonymously with limited speaking ability pursuant to N.J.S.A. 18:35-15 through 26.1.~~

#### ~~Identification of Eligible ELLs~~

~~The district shall use a multi-step process at the time of enrollment to determine the native language of each ELL. The district shall:~~

- ~~1. Maintain a census indicating all identified students whose native language is other than English; and~~
- ~~2. Administer the Statewide home language survey to determine which students in kindergartenkindergarten 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.~~

~~The district shall determine the English language proficiency of all KindergartenKindergarten 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 New Jersey Department of Education (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.~~

#### ~~Bilingual Programs for ELLs~~

~~The district shall provide the following programs:~~

- ~~1. An English language services program in accordance with N.J.A.C. 6A:15-1.2;~~
- ~~2. An ESL program in accordance with N.J.A.C. 6A:15-1.2; and~~
- ~~3. A bilingual education program in accordance with N.J.A.C. 6A:15-1.2.~~





~~All teachers in these programs shall be appropriately certified in accordance with the requirements as outlined in N.J.A.C. 6A:15-1.9. Every student participating in a bilingual, ESL, or English language services program shall be entitled to continue such participation for a period of three years pursuant to N.J.S.A. 18A:35-19.~~

~~Bilingual, English as a Second Language, and English Language Services Program Enrollment, Assessment, Exit, and Reentry~~

~~Students enrolled in the bilingual, ESL, or English language services program shall be assessed annually using English Language Placement (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.~~

~~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 English language services program through a Department-established criteria on an ELP assessment and a Department-established English language observation form. A student shall 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.~~

~~In accordance with provisions of N.J.S.A. 18A:35-22.1, a parent may remove a student who is enrolled in a bilingual education program at any time; except that during the first three years of a student's participation in a bilingual education program, the parent may only remove the student at the end of each school year. If a parent wishes to remove the student prior to the end of each school year, the removal shall be approved by the Executive County Superintendent. If the Executive County Superintendent determines the student should remain in the bilingual education program until the end of the school year, the parent may appeal the Executive County Superintendent's decision to the Commissioner of Education or designee pursuant to the provisions of N.J.S.A. 18A:35-19.2.~~

~~Newly exited students who are not progressing in the mainstream English program may be considered for re-entry to bilingual and ESL programs in accordance with the provisions of N.J.A.C. 6A:15-1.10(e)1 through (e)5.~~

~~When the review process for exiting a student from a bilingual, ESL, or English language services program has been completed, the student's parent shall be informed by mail of the placement determination. A parent or teaching staff member who disagrees with the~~





~~proposed placement may appeal the decision in writing to the Superintendent of Schools or designee, who will provide a written explanation for the decision within seven (7) working days. The complainant may appeal this decision in writing to the Board within seven (7) 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 not satisfied with the Board's determination of the appeal may appeal to the Commissioner of Education.~~

## ~~Parental Involvement~~

~~The parent ELLs will be notified in accordance with the provisions of N.J.A.C. 6A:15-1.13 that their child has been identified as eligible for enrollment in a bilingual, ESL or English language services education program. Notice shall be in writing, and in the language of which the parent(s) possesses a primary speaking ability, and in English. The notice must also include a statement that the parents have the option of declining their child's enrollment in a bilingual program and shall be given an opportunity to do so if they choose.~~

~~The district will notify the parent ELLs by mail within thirty days of the child's identification.~~

~~Parent(s) shall receive progress reports of students enrolled in bilingual, ESL, or English language services programs in the same manner and frequency as progress reports are sent to parents of other students enrolled in the district.~~

~~The Superintendent or designee will provide for the maximum practical involvement of parent(s) of ELLs in the development and review of program objectives and dissemination of information to and from the district's Board of Education and communities served by the bilingual, ESL, or English language services education programs. A District that implements a bilingual education program shall establish a parent advisory committee on bilingual education of which the majority membership shall be parents of ELLs.~~

## ~~Graduation~~

~~ELLs will qualify for graduation from high school in accordance with N.J.A.C. 6A:8-5.1(a) and Policy 5460.~~



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### ~~Program Plan~~

~~The Superintendent shall prepare and submit a plan for a bilingual, ESL, or English language services program every three years to the Board and the New Jersey Department of Education for approval in accordance with the provisions of N.J.A.C. 6A:15-1.6.~~

~~N.J.S.A. 18A:35-15 through 18A:35-26.1~~

~~N.J.A.C. 6A:14-4.10; 6A:15-1.1, 6A:15-1.2, 6A:15-1.9;~~

Adopted: 06 June 2011

Revised: May 23, 2023

Revised: June 18, 2024





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#### 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 (Department)-approved assessment for students with the most significant cognitive disabilities that assesses a student’s English language proficiency (ELP) on the four domains of listening, speaking, reading, and writing, and that is aligned with the English Language Development (ELD) standards and the Individuals with Disabilities Education Act (IDEA).
2. “Bilingual education program” means a full-time language instruction educational program (LIEP) in all courses or subjects provided in accordance with N.J.S.A. 18A:35-18. Students in a bilingual education program receive instruction in the primary language of multilingual learners (ML) enrolled in the program and in English, while also receiving English as a second language (ESL) instruction. Educators use the primary language of instruction to enhance literacy in the primary language and as a support in the development of listening, speaking, reading, and writing skills in English. Students also receive instruction in the history and culture of the country, territory, or geographic area that is the native land of the parents and families of MLs enrolled in the program, and in the history and culture of the United States.
3. “Bilingual part-time program” means an instructional program alternative in which students receive their academic content area classes in English language arts (ELA) and mathematics instruction with a certified bilingual teacher who provides instruction in the primary language of the MLs in the program, as well as ESL instruction.
4. “Bilingual resource program” means an instructional program alternative in which students receive instruction and resources that are individualized for each student, daily instruction from a certified bilingual teacher in academic content areas as identified by the school district, as well as ESL instruction.
5. “Bilingual tutorial program” means an instructional program alternative in which students receive one period of instruction from a certified bilingual teacher in an academic content area required for graduation, a second



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period of tutoring in another required content area, as well as ESL instruction.

6. "Class period" means the time allocated for instruction in academic content areas as part of the regular school schedule for each day in session as set forth at N.J.A.C. 6A:32-8.3. In a block schedule, weekly instruction is equivalent to one class period for each day of school in a given week.

7. "Cut score" means the same as that term is defined pursuant to N.J.A.C. 6A:8-1.3.

8. "Dual language immersion program" means, for the purpose of meeting the LIEP requirements at N.J.S.A. 18A:35-18 and N.J.A.C. 6A:15, a full-time LIEP that provides students structured English language instruction and instruction in a second language in all academic content areas. MLs in the program receive instruction in their primary language, as well as ESL instruction. A dual language immersion program provides daily instruction in English and a minimum of fifty percent of instruction in the primary language of enrolled MLs. A dual language immersion program that is designed to support MLs is sometimes referred to as a two-way bilingual education program.

9. "Early Language Development Standards" means the preschool English language development standards for preschool students developed by WIDA. The standards correspond to five domains of children's development and learning: approaches to learning, language and communication development, cognition and general knowledge, physical well-being and motor development, and social and emotional development. The standards incorporated herein by reference, are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium and are available at <https://wida.wisc.edu/teach/early>.

10. "Educational activities and programs" means the same as that term is defined pursuant to N.J.A.C. 6A:7-1.3.

11. "Educational equity" means the same as that term is defined pursuant to N.J.A.C. 6A:7-1.3.





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12. “Educational needs” means the particular educational requirements of MLs; the fulfillment of which will provide them with equal educational opportunities.
13. “English as a second language (ESL) program” means a daily class period of second-language acquisition instruction within a LIEP and based on a student’s English language proficiency that teaches the English language development standards and incorporates the cultural aspects of the students’ experiences in their ESL instruction.
14. “English language development standards” or “ELD standards” means the 2020 Amplification of the English Language Development Standards, Kindergarten – Grade 12 incorporated herein by reference, as amended and supplemented, developed by WIDA. They are the standards and language competencies in listening, speaking, reading, and writing that MLs 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 content areas. The standards are a version of ELA that have been crafted to address the specific developmental stages of students learning English. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium ([www.wida.us](http://www.wida.us)) and are available for review at  
  
<https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf>.
15. “English language proficiency assessment” or “ELP assessment” means a Department-approved assessment that evaluates a student’s English language proficiency on the four domains of listening, speaking, reading, and writing, and that is aligned with the ELD standards.
16. “English language services” means services designed to improve the English language skills of MLs. The services, provided in school districts with less than ten MLs in Kindergarten through twelfth-grade, are part of the regular school program and are designed to develop proficiency in the ELD standards.
17. “Equal educational opportunity” means the same as that term is defined pursuant to N.J.A.C. 6A:7-1.3.





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18. "Exit criteria" means the criteria that must be applied before a student may be exited from a LIEP.
19. "High-intensity ESL program" means an instructional program alternative in which students receive two or more class periods each day in session of ESL instruction. One period is the standard ESL class, and the other period is a tutorial or ESL reading class.
20. "Instructional program alternative" means a LIEP, other than bilingual education and/or dual language immersion, that may be established by the Board of Education in consultation with, and approval of, the New Jersey Department of Education through a waiver request pursuant to N.J.S.A. 18A:35-18. All students in an instructional program alternative receive an ESL class period each day in session.
21. "Language instruction educational program" or "LIEP" means the program of services in which a ML receives instruction and support to develop and attain English language proficiency while meeting or exceeding the New Jersey Student Learning Standards (NJSLs) in academic content areas. MLs in a LIEP develop proficiency in the English language while they develop skills and knowledge within the academic content areas. A LIEP includes the services that all MLs are entitled to receive, pursuant to N.J.S.A. 18A:35-16 and N.J.A.C. 6A:15. LIEP includes "programs of bilingual education," pursuant to N.J.S.A. 18A:35-16, and "instructional alternative programs," pursuant to N.J.S.A. 18A:35-18.
22. "Multicultural curriculum" means the same as that term is defined pursuant to N.J.A.C. 6A:7.
23. "Multilingual learner" or "ML" means a student whose primary language is not English, who is identified through the process set forth in N.J.A.C. 6A:15, and who is developing proficiency in multiple languages (e.g., English and a primary language). The term is synonymous with "English learner" or "English language learner."
24. "Newcomer" means any student born outside of the United States who has recently arrived in the United States. Newcomer is an umbrella term that includes a heterogenous group of immigrants; some newcomers may also be MLs or students with interrupted formal education (SIFE).



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25. "NJSLS" means the New Jersey Student Learning Standards as defined at N.J.A.C. 6A:8-1.3.
26. "Parent(s)" 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 the 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 N.J.A.C. 6A:32 if the parent's authority to make education decisions on the student's behalf has been terminated by a court of appropriate jurisdiction.
27. "Primary language" means the language or mode of communication in which a ML is most fluent or speaks more regularly than any other language. In the case of a student, the primary language is the language normally used by the student's parent.
28. "Sheltered English instruction" means an instructional program alternative to make academic instruction in English understandable to MLs. Sheltered English classes are taught by classroom teachers who deliver instruction in English, may not hold a bilingual/ESL endorsement, but have received training on strategies for instructional adaptation, pursuant to N.J.A.C. 6A:8-1.3, to make academic content areas comprehensible for MLs.
29. "State Seal of Biliteracy" means a recognition awarded pursuant to N.J.A.C. 6A:8-5.3.
30. "Statewide home-language survey" or "Statewide HLS" means a standardized questionnaire developed by the Department for school districts to use to help identify which students are potential MLs and which students will require a record review and an ELP assessment to determine whether they are eligible for placement in a LIEP.
31. "Student with interrupted formal education" or "SIFE" means a ML in grades four to twelve who has experienced disruptions in their formal education that took place outside of the United States.





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### B. Identification of Eligible Multilingual Learners – N.J.A.C. 6A:15-1.3

1. The school district shall use, at the time of enrollment, the multi-step process set forth at N.J.A.C. 6A:15-1.3(a)1 through (a)3 and B.1.a. through B.1.c. below to identify MLs enrolled in the school district.

a. The district shall administer to each student enrolled in the school district the Statewide HLS. The district shall use the Statewide HLS to determine which students in preschool to twelfth-grade have a primary language(s) other than English and, therefore, may be a ML. The Statewide HLS shall be completed, in writing, or by verbal interview by an individual with knowledge of the student, such as a parent(s), trained school district personnel, or a bilingual or ESL teacher;

b. Following the administration of the Statewide HLS, the district shall conduct a records review process to determine whether the student is a ML.

(1) The records review process may include, but is not limited to, reviewing available information about the student's overall academic performance from current or prior years; observations of teaching staff members who have worked with the student; interviews with the student or the student's parent or family in their primary language; and/or additional school records as needed in compliance with State and Federal student privacy laws; and

c. The district shall then determine the English language proficiency of all Kindergarten to twelfth-grade students who are found eligible through N.J.A.C. 6A:15-1.3(a)1 or (a)2 and B.1.a. or B.1.b. above and whose primary language is other than English by administering an ELP assessment. Students who do not meet the Department-established cut score on the ELP assessment shall be considered MLs and shall be offered entry into the district's LIEP.

(1) Preschool students who are identified, pursuant to the processes set forth at N.J.A.C. 6A:15-1.3(a)1 and (a)2 and B.1.a. and B.1.b. above, as having a primary language other than English shall be identified as MLs. Prior to the start of their





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Kindergarten year, the district shall administer an ELP assessment to preschool MLs as part of the screener process to determine the ML's English language proficiency level.

(2) The district shall also use age-appropriate methodologies to identify preschool MLs to determine their individual language development needs.

2. The district shall maintain a roster indicating all identified students whose primary language is other than English and who are MLs.

### C. Board Requirements, Including Language Instruction Educational Programs for Multilingual Learners – N.J.A.C. 6A:15-1.4

1. The district shall provide all preschool to twelfth-grade MLs enrolled in the school district pursuant to N.J.S.A. 18A:7F-46 and 18A:7F-54 with equal educational opportunities and all educational activities and programs, including required courses and support services defined at N.J.A.C. 6A:15-1.4(b) through (e) and C.2. through C.5. below to prepare MLs to meet or exceed the NJSLs for high school graduation. The instructional opportunities shall be designed to assist MLs to fully comprehend all subject matter and demonstrate their mastery of all NJSLs academic content areas.

a. Instructional opportunities may also include individualized and targeted supports, as needed by MLs.

b. The district shall ensure that all educational services, activities, and programs incorporate a linguistically and culturally responsive, multicultural curriculum in accordance with N.J.S.A. 18A:35-4.35, 18A:35-4.36, and 18A:35-4.36a. to ensure educational equity aligned to the Board of Education's Comprehensive Equity Plan, pursuant to N.J.A.C. 6A:7.

2. The Board shall provide all MLs with a LIEP.

a. The Board shall provide appropriate instructional programs to preschool MLs pursuant to N.J.A.C. 6A:15-1.4(c) and C.3. below.



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- b. Whenever there are twenty or more MLs in Kindergarten through twelfth-grade in any one language classification enrolled in the school district, a LIEP shall include bilingual education or dual language immersion programs pursuant to N.J.A.C. 6A:15-1.4(e) and C.5. below, unless waived pursuant to N.J.A.C. 6A:15-1.15 and N. below.
        - c. Whenever there are ten or more MLs in Kindergarten through twelfth-grade enrolled in the school district, an ESL program shall be provided.
        - d. Whenever there are at least one, but fewer than ten MLs in Kindergarten through twelfth-grade enrolled in the school district, the Board shall provide the MLs with English language services. English language services shall be provided as part of the regular school program.
        - e. Instructional program alternatives may be implemented pursuant to N.J.A.C. 6A:15-1.15 and N. below.
- 3. The Board shall provide appropriate instructional programs to eligible preschool MLs based on the New Jersey Preschool Program Implementation Guidelines and the New Jersey Preschool Teaching and Learning Standards of Quality, pursuant to N.J.A.C. 6A:13A – Elements of High-Quality Preschool Programs.
  - a. A program that meets the New Jersey Preschool Teaching and Learning Standards of Quality and is approved, pursuant to N.J.A.C. 6A:13A, will be considered a preschool LIEP.
- 4. The Board shall establish bilingual education or dual language immersion programs whenever there are twenty or more MLs in any one language classification enrolled in the school district in Kindergarten through twelfth-grade, pursuant to N.J.S.A. 18A:35-18. Bilingual education or dual language immersion programs shall:
  - a. Be designed to prepare MLs to acquire sufficient English knowledge and skills to meet the NJSLs. All MLs participating in bilingual and dual language immersion programs shall also receive a class period of ESL instruction each day in session;





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- b. Include a curriculum that is aligned to the NJSLs and the ELD standards and includes primary language instruction delivered to further master literacy in the primary language and as a support in the development of English proficiency;
  - 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; and
  - d. Utilize a curriculum for bilingual education programs that is adopted by the Board.
- 5. The Board shall provide at least one class period of ESL instruction each day in session based on a student's English language level to all MLs placed in a LIEP.
  - a. The Board shall develop and adopt an ESL curriculum that addresses the ELD standards to address the instructional needs of MLs.
  - b. The ESL curriculum shall be cross-referenced to the school district's bilingual education and academic content area curricula to ensure that ESL instruction is correlated to all academic content areas taught.
- 6. The Board may establish dual language immersion programs to meet the requirement at N.J.A.C. 6A:15-1.4(b)2. and C.2.b. above and N.J.S.A. 18A:35-15 through 18A:35-26.
  - a. Dual language immersion programs shall be designed to help students achieve proficiency in English and in a second language while mastering academic content area skills.
  - b. Instruction shall be in all courses or subjects of study that allow students to meet all grade promotion and graduation standards.
  - c. Classes in dual language immersion programs shall be comprised of at least fifty percent MLs.



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- d. The program may be coordinated with the school district's world languages program.
  - e. Dual language immersion programs that are not established to provide the LIEP services required pursuant to N.J.S.A. 18A:35-15 through 18A:35-26 do not have to comply with the requirements of N.J.A.C. 6A:15, Policy 2423, and this Regulation.
- 7. The Board may establish a newcomer program for a limited duration in time to address the needs of recent immigrant students, particularly SIFEs, before the students transition to a general education classroom. A high-quality newcomer program shall:
  - a. Be age-appropriate;
  - b. Include content that relates to the NJSLs;
  - c. Include social-emotional learning; and
  - d. Include courses that are credit-bearing and count toward graduation pursuant to N.J.A.C. 6A:8, or promotion requirements to allow students to meet grade-level standards within a reasonable period of time.
- 8. The Board shall offer sufficient courses and other relevant supplemental instructional opportunities in grades nine through twelve to enable MLs to meet or exceed the NJSLs for graduation. When sufficient numbers of students are not available to form a bilingual class in an academic content area, the Board shall develop, in consultation with and approved by the Department, plans to meet the needs of the students.
- 9. In addition to N.J.A.C. 6A:15-1.4(a) through (h) and C.1. through C.8. above, the Board shall design additional programs and services to meet the special needs of eligible MLs. The additional programs and services shall include, but not be limited to, individualized and targeted supports through Title I programs; special education; career and technical education programs; gifted and talented education services; supports to help MLs earn a State Seal of Biliteracy pursuant to N.J.A.C. 6A:8-5.3; and individualized learning opportunities pursuant to N.J.A.C. 6A:8-5.1.





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10. The Board may establish a program in bilingual education or dual language immersion for any language classification with fewer than twenty students.

11. The Board shall establish a process for how MLs in high school may meet the world language or ELA course graduation requirements, pursuant to N.J.A.C. 6A:8-5.1, by applying credits earned in an ESL course. The Board shall verify on a student's record that the applicable ESL credits meet or exceed the NJSLs at the high school level.

### D. Approval Procedures – N.J.A.C. 6A:15-1.5

1. The school district providing a LIEP shall submit a plan every three years to the Department for approval.

2. The Board of Education's LIEP plan shall demonstrate that:

a. For Kindergarten through twelfth-grade, LIEP curricula include or are aligned with:

(1) The NJSLs;

(2) The ELD standards; and

(3) A multicultural curriculum, pursuant to N.J.S.A. 18A:35-4.36a and N.J.A.C. 6A:7.

b. For preschool, the ML instruction and support meets the language instruction requirements in the New Jersey Preschool Program Implementation Guidelines and the New Jersey Preschool Teaching and Learning Standards of Quality, pursuant to N.J.A.C. 6A:13A and the curricula include or are aligned with:

(1) The NJSLs;

(2) The ELD standards for preschool; and

(3) A multicultural curriculum, pursuant to N.J.S.A. 18A:35-4.36a and N.J.A.C. 6A:7.



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- c. MLs have equitable access to educational activities and programs in a manner aligned to the Board's Comprehensive Equity Plan, pursuant to N.J.A.C. 6A:7.
        - d. School district staff engage in ongoing and continuous program evaluations that shall include regular reviews of student performance data (for example, graduation rates and assessment results) and other measures (for example, absenteeism, disciplinary records, and course enrollment) to evaluate whether MLs in the district have equitable access to educational opportunities, including, but not limited to, gifted and talented programs; advanced coursework and dual enrollment; work-based learning opportunities; extra-curricular activities; and career counseling.
        - e. Preschool students participate in instructional activities pursuant to N.J.A.C. 6A:13A.
        - f. Bilingual and dual language immersion programs promote bilingualism, biliteracy, cross-cultural competency, high levels of academic achievement in both languages, and a path, if available, toward attaining the State Seal of Biliteracy.
- 3. The Board's LIEP plan submitted to the Department for approval shall include information on the following:
  - a. Identification of MLs in preschool through twelfth-grade;
  - b. LIEP description;
  - c. The number of staff hired for the LIEP by certificate type;
  - d. Bilingual and ESL curriculum;
  - e. Evaluation design;
  - f. Review process for a student's exit from ML status; and
  - g. A budget for all components of the LIEP.





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4. The Department will review the plan to ensure the Board has a system of support for all MLs that is aligned to N.J.A.C. 6A:15, Policy 2423, and this Regulation. The Department may request modifications of the plan, as appropriate, and shall determine whether to approve the Board's plan.

### E. Supportive Services – N.J.A.C. 6A:15-1.6

1. Students enrolled in a LIEP shall have equal educational opportunities, including full access to educational opportunities and services available to other students in the district.

2. The school district shall provide MLs with linguistically and culturally responsive supportive services, such as academic counseling; tutoring; career guidance; and mental health counseling. Bilingual personnel who are trained in social-emotional learning and are familiar with and knowledgeable about the unique assets and needs of the MLs, including newcomers and SIFEs, and their parents, shall provide the services.

### F. Professional Development – N.J.A.C. 6A:15-1.7

1. As part of the district- and school-level plans for professional development requirements at N.J.A.C. 6A:9C-4.2, the Board of Education shall describe professional learning for bilingual, ESL, and academic content teachers whose classroom instruction is in English; administrators who supervise bilingual/ESL programs; and administrators and any personnel who observe and evaluate teachers of MLs.

2. The district- and school-level professional development plan shall:

a. Include instructional adaptational strategies, pursuant to N.J.A.C. 6A:8-3.1, and training on appropriate assessments to help MLs meet the NJSLs and the ELD standards;

b. Address the needs of bilingual and ESL teachers, who shall receive training in the use of the ESL curriculum and the ELD standards; and

c. Ensure all teachers receive training on the ELD standards and how to provide linguistically and culturally accessible instruction and appropriate modifications and accommodations for MLs.



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### G. Certification – N.J.A.C. 6A:15-1.8

1. All teachers of bilingual programs shall hold a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or academic content area and a standard certificate with a bilingual/bicultural education endorsement, pursuant to N.J.S.A. 18A:6-38 et seq., N.J.S.A. 18A:35-15 to 26, and N.J.A.C. 6A:9B-11.5.
2. Dual language immersion programs, for the purpose of meeting the LIEP requirements at N.J.S.A. 18A:35-18; N.J.A.C. 6A:15; Policy 2423; and this Regulation may be taught by one or more teaching staff members. In these dual language immersion programs, the following endorsements to an instructional certificate shall be fulfilled by one or more teaching staff members:
  - a. An endorsement for the appropriate grade level and/or academic content area being taught; and
  - b. An endorsement in bilingual/bicultural education or world languages.
    - (1) A teaching staff member of a language other than English has demonstrated linguistic competence in the language of their instruction, pursuant to N.J.A.C. 6A:9B-10.5 or 11.5(a)2.
3. All teaching staff members of ESL classes shall hold a valid New Jersey instructional certificate with an ESL endorsement, pursuant to N.J.S.A. 18A:6-38 et seq. and N.J.A.C. 6A:9B-11.6.
4. All teaching staff members providing English language services shall hold a valid New Jersey instructional certificate.

### H. Language Instruction Educational Program Placement, Assessment, Exit, and Reentry – N.J.A.C. 6A:15-1.9

1. All MLs from Kindergarten through twelfth-grade shall be enrolled in a LIEP established by the Board of Education in accordance with N.J.A.C. 6A:15-1.4(b) through (f) and C.2. through C.6. above, N.J.A.C. 6A:15-1.15(a) and N.1. below, and N.J.S.A. 18A:35-18 and N.J.S.A. 18A:35-22.





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2. Students identified as MLs shall be assessed annually using ELP assessments to measure the progress toward English language proficiency and to determine readiness for exiting the LIEP. 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. A ML enrolled in the LIEP shall be placed in a classroom(s) where the primary language of instruction is English when the ML has demonstrated readiness to exit a LIEP first by achieving the Department-established cut score on an ELP or alternate 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 observations of the teaching staff members responsible for the educational program of the student; and performance on achievement tests in English.

  - a. Pursuant to 34 CFR §200.6(h)(4)(ii), a ML 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 ML status based on the student meeting the Department-determined cut score on the remaining domains in which the student was assessed.
4. When the review process for exiting a student from a LIEP has been completed, the district shall notify, by written communication, the student's parent of the placement determination. If the parent or a teaching staff member disagrees with the student's placement, the parent or teaching staff member may appeal the placement to the Commissioner of Education, pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, after exhausting the school district's appeal process.
5. A parent may remove a student who is enrolled in a LIEP pursuant to N.J.S.A. 18A:35-22.1.

  - a. A student who is identified as a ML and whose parent refuses placement in a LIEP shall still access and meet the academic expectations of the NJSLS. Pursuant to N.J.A.C. 6A:8, N.J.A.C. 6A:15-1.6, and E. above, the district shall ensure that students whose parents refuse placement are provided the appropriate instructional adaptations



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and appropriate assessment modifications and accommodations for Statewide assessments.

6. The district shall monitor, for a minimum of two years, the academic progress of students who are exited from a LIEP to ensure that the students are continually meeting or exceeding the NJSLs when the curriculum and instruction are delivered in English.

7. Newly exited students who are not academically progressing in classes where English is the primary language of instruction may be considered for reentry to a LIEP as follows:

a. After a minimum of one-half an academic year and within two years of exit, the teaching staff member delivering instruction in English 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 classes where English is the primary language of instruction.

c. The recommendation for retesting shall be based on the teaching staff member's documented observation of a student's academic performance and data-based determination that the student is experiencing difficulties due to problems in using the English language to communicate effectively with peers and adults; understand directions given by the teaching staff member; and/or comprehend basic verbal and written materials.

d. The student shall be tested using a different form of the English language proficiency assessment than the one used to exit the student from the LIEP.

e. If the student scores below the Department-determined cut score on the English language proficiency assessment, the student shall be reenrolled into a LIEP.

I. Graduation Requirements for Multilingual Learners – N.J.A.C. 6A:15-1.10





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

### J. Location – N.J.A.C. 6A:15-1.11

1. All Kindergarten through twelfth-grade LIEPs shall be conducted within classrooms within the school district pursuant to N.J.S.A. 18A:35-20, except under the following circumstances:

a. A LIEP is conducted in another school district as part of a joint program, pursuant to N.J.A.C. 6A:15-1.13 and L. below; or

b. A ML's individualized learning opportunity, pursuant to N.J.A.C. 6A:8-5.1(a)2, occurs outside of the school district's classrooms.

### K. Notification – N.J.A.C. 6A:15-1.12

1. The district shall notify, by written communication, the parent of a ML of the fact that their child has been identified as eligible for placement in a LIEP.

a. The district shall issue the notification within thirty calendar days of the start of the school year.

b. For a student who enrolls after the beginning of the school year, the district shall issue the notification within fourteen calendar days of the student being placed in a LIEP.

2. The notice shall be in writing and in the language in which the parent possesses a primary speaking ability, and in English, and shall include the following information:

a. Why the student was identified as a ML;

b. Why the school district determined the student needs to be placed in a LIEP that will help the student develop and attain English proficiency and meet the NJSLS;

c. The student's level of English language proficiency, how the level of English language proficiency was assessed, and the student's performance in academic content areas;



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- 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 primary language, if applicable;
  - e. How the program will meet the student's specific needs in attaining English language proficiency and meeting or exceeding the NJSLs;
  - f. The program's exit requirements, the expected amount of time that the ML will need to successfully achieve in classrooms where the language of instruction is English, and, in the case of high school students, the expected rate of graduation;
  - g. How the LIEP will meet the objectives of the individualized education program of a student with a disability; and
  - h. A statement that the parent may decline the child's enrollment in a LIEP, and that the parent shall be given an opportunity to do so or to select a different type of LIEP service available at the child's school.
- 3. The district shall send progress reports to the parents of students enrolled in a LIEP in the same manner and frequency as progress reports are sent to the parent of other students enrolled in the school district.
- 4. Progress reports shall be written in English and in the primary language spoken by the parent of students enrolled in the LIEP.
- 5. The district shall notify the parent when the student meets the exit criteria and is placed in a monolingual English program. The notice shall be in English and in the language in which the parent possesses a primary speaking ability.

### L. Joint Programs – N.J.A.C. 6A:15-1.13

- 1. With approval of the Executive County Superintendent on a case-by-case basis, the Board of Education may join with another district Board to provide:





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a. A LIEP; and

b. An individualized learning opportunity, pursuant to N.J.A.C. 6A:8-5.1(a)2, to a ML who chooses to utilize it to meet the 120-credit graduation requirement, in whole or in part.

### M. Parental and Family Engagement – N.J.A.C. 6A:15-1.14

1. The Superintendent or designee shall provide for the maximum practicable engagement of the parent of MLs in the development and review of program objectives and dissemination of information to and from the Boards of Education and communities served by the LIEP.

a. This duty includes ensuring all information regarding a ML's educational experience is available in the language in which the parent possesses a primary speaking ability, and in English. This information includes, but it not limited to: district- and school-level policies; invitational letters regarding school or district programs; information regarding student discipline policies and procedures; registration and enrollment; report cards; requests for parent permission for student participation in district or school activities; parent-teacher conferences; parent handbooks; and gifted and talented programs.

2. With the exception of a Board implementing an English language services or ESL program, each Board implementing a LIEP shall establish a parent advisory committee on bilingual education of which the majority membership shall be the parents of MLs.

### N. Waiver Process Provided by Statute – N.J.A.C. 6A:15-1.15

1. A school district that has twenty or more students eligible for the bilingual education program in Kindergarten through twelfth-grade may request annual approval from the Department to waive the requirement at N.J.A.C. 6A:15-1.4(d) and C.4. above and, instead, to establish an instructional program alternative if the school district is able to demonstrate that it would be impractical to provide a full-time bilingual program due to the age range, grade span, and/or geographic location of eligible students.



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- a. Instructional program alternatives that shall be established include, but are not limited to: the bilingual part-time program; the bilingual resource program; the bilingual tutorial program; the sheltered English instruction program; and the high-intensity ESL program.
- b. All instructional program alternatives shall be designed to assist MLs to develop English language proficiency while learning the knowledge and skills for academic content areas to meet or exceed the NJSLs.
- c. Instructional program alternatives shall be developed in consultation with the Department based on student enrollment and achievement data.
- d. A Board of Education implementing instructional program alternatives annually shall submit to the Department student enrollment and achievement data that demonstrate the continued need for the programs.
- e. Instructional program alternatives shall be approved annually by the Department based on the Department's review of student enrollment and achievement data.

### ~~A. Definitions~~

- ~~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 programs, and in the aural comprehension, speaking, reading, and writing of English; and in the history and culture of the country, territory, or~~





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~~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.~~

~~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 ELL 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 student's 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, in grades Kindergarten through 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~~



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~~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](http://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, 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.~~





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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.~~

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 grades Kindergarten through grade Twelve whose native language is other than English must be screened further to determine English language proficiency. The Statewide home-~~



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~~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 grade Kindergarten through 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)~~

- ~~D. 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 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~~





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~~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 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.~~



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- ~~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 of Education 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 grade 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 of Education 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 these programs.~~

### ~~E. Approval Procedures (N.J.A.C. 6A:16-1.6)~~

- ~~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 of Education for approval. At its discretion, the Department may request modifications, as appropriate.~~
  - ~~a. Plans submitted by the school district for approval shall include information on the following:~~
    - ~~(1). Identification of students.~~
    - ~~(2). Program description.~~



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~~(3). The number of certified staff hired for the program.~~

~~(4). Bilingual and ESL curriculum development.~~

~~(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 of Staff (N.J.A.C. 6A:15-1.9)~~

~~1. All teacher of bilingual classes shall hold a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or~~





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- ~~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 teacher 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.~~
- ~~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.~~
- ~~2. 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 student shall 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.~~



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~~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.~~

~~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 of 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.~~





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~~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 of the placement determination. If the parent 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 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.~~



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- ~~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.~~
- ~~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 parents of other students enrolled in the school district.~~
- ~~3. — Progress reports shall be written in English and in the native language of the parent 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 when a student meets 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 possesses a primary speaking ability.~~

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





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~~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 parents 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.~~



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- ~~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 parents of ELLs.~~

Adopted: September 28, 2016

Revised: May 23, 2023

Revised: June 18, 2024





# POLICY

## LIVINGSTON BOARD OF EDUCATION

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### PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

New Jersey Department of Education Model Policy and Guidance for Districts on the Prevention and Treatment of Sports-Related Head Injuries and Concussions – August 2023

N.J.S.A. 18A:40-41.1; 18A:40-41.2; 18A:40-41.2a;  
18A:40-41.3; 18A:40-41.3a; 18A:40-41.4;  
18A:40-41.5

~~The school district shall provide a copy of this Policy and Regulation 2431.4 to all youth sports team organizations that operate on school grounds. In accordance with the provisions of N.J.S.A. 18A:40-41.5, the school district shall not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that operates on school grounds, if the youth sports team organization provides the school district proof of an insurance policy of an amount of not less than \$50,000 per person, per occurrence insuring the youth sports team organization against liability for any bodily injury suffered by a person and a statement of compliance with this Policy and Regulation 2431.4.~~

~~Pursuant to N.J.S.A. 18A:40-41.5 and for the purpose of this Policy, a “youth sports team organization” means one or more sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department.~~

~~This Policy and Regulation 2431.4 shall be reviewed and approved by the school physician annually and updated as necessary to ensure it reflects the most current information available on the prevention, risk, and treatment of sports-related concussions and other head injuries in accordance with N.J.S.A. 18A:40-41.3.~~

N.J.S.A. 18A:40-41.1; 18A:40-41.2; 18A:40-41.3; 18A:40-41.4; 18A:40-41.5

Adopted: 15 August 2011

Revised: 20 October 2014

Revised: May 24, 2022

Revised: June 18, 2024



## PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

The student-athlete may not begin the CDC's Six-Step Return to Play Progression until the student-athlete receives a medical examination, provides the required written medical clearance, and the medical clearance is approved by the school physician.

Some symptoms may require immediate medical treatment. Emergency medical responders (911) shall be called if the student-athlete is experiencing a deterioration of symptoms; loss of consciousness; direct neck pain associated with the injury; or any other symptom that may require immediate medical treatment.

The district will provide temporary supports to a student-athlete that has sustained a concussion or other head injury.

The Commissioner of Education and Commissioner of Health educational fact sheet that provides information concerning the use and misuse of opioid drugs in the event a student-athlete is prescribed an opioid for a sports-related injury shall be provided to the parents of student-athletes. The district shall obtain a signed acknowledgement of receipt by the student-athlete and their parent in accordance with the provisions of N.J.S.A. 18A:40-41.10.

The Board shall review this Policy and Regulation 2431.4 annually and update as necessary to ensure it reflects the most current information available on the prevention, risk, and treatment of sports-related concussions and head injuries pursuant to N.J.S.A. 18A:40-41.3.

The district shall provide a copy of this Policy and Regulation 2431.4 to all youth sports team organizations that operate on school grounds. In accordance with the provisions of N.J.S.A. 18A:40-41.5, the district shall not be liable for the injury or death of a person due to the action or inaction of persons employed by, or under contract with, a youth sports team organization that operates on school grounds, if the youth sports team organization provides the school district proof of an insurance policy of an amount of not less than \$50,000 per person, per occurrence insuring the youth sports team organization against liability for any bodily injury suffered by a person and a statement of compliance with this Policy and Regulation 2431.4.

Pursuant to N.J.S.A. 18A:40-41.5 and for the purpose of this Policy, a "youth sports team organization" means one or more sports teams organized pursuant to a nonprofit or similar charter or which are member teams in a league organized by or affiliated with a county or municipal recreation department.

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## PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

physician, licensed athletic trainer, coaches, and other appropriate district personnel pursuant to N.J.S.A. 18A:40-41.2.~~any individual who coaches in an athletic competition, an athletic trainer involved in any athletic competition, and the school nurse. The training program shall be in accordance with guidance provided by the New Jersey Department of Education (NJDOE) and the requirements of N.J.S.A. 18A:40-41.2.~~

~~The school district shall annually distribute the NJDOE-developed educational fact sheet regarding sports-related concussions and other head injuries to all parents of students participating in any athletic competition or practice and shall obtain a signed acknowledgement of the receipt of the fact sheet by the student and their parent in accordance with N.J.S.A. 18A:40-41.2(c).~~

Pursuant to N.J.S.A. 18A:40-41.4, a student-athlete who participates in a program of athletic competition~~or practice~~and who sustains or is suspected of sustaining a concussion or other head injury shall be immediately removed from athletic competition or practice by the staff member supervising the program or athletic competition. A student-athlete who was removed from athletic competition or practice shall not participate in further athletic competition ~~or practice~~ until the student-athlete is~~is~~ evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions; ~~and~~ receives written medical clearance from a physician trained in the evaluation and management of concussions to return to athletic competition ~~or practice~~; and progresses through the steps outlined in the CDC's Six-Step Return to Play Progression. ~~the student returns to regular school activities and is no longer experiencing symptoms of the injury when conducting those activities in accordance with N.J.S.A. 18A:40-41.4. The student-athlete's written medical clearance shall be reviewed and approved by the school physician.~~

~~The return of a student to athletic competition or practice shall also be in accordance with the graduated, six-step "Return to Play Progression" recommendations and any subsequent changes or other updates to these recommendations as developed by the Centers for Disease Control and Prevention (CDC). The Board shall revise this Policy and Regulation 2431.4 whenever the CDC changes or otherwise updates the "Return to Play Progression" recommendations.~~

School personnel shall contact the parent of a student-athlete to inform them of a suspected sports-related concussion or head injury as soon as possible after the incident. School personnel shall provide the parent with a checklist or copy of the return to play protocols outlined in this Policy and Regulation 2431.4.



## PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

### 2431.4 PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

A concussion is a traumatic brain injury caused by a blow or a motion to the head or body that disrupts the normal functioning of the brain and can cause significant and sustained neuropsychological impairments including, but not limited to, problem solving, planning, memory, and behavior problems. In order to ensure safety, it is imperative that students participating in athletic competitions, coaches, and parents are educated about the nature and treatment of sports-related concussions and other head injuries. Allowing a student to return to athletic competition before recovering from a concussion increases the chance of a more serious brain injury.

This Policy and Regulation 2431.4 are consistent with the requirements of N.J.S.A. 18A:40-41.1 et seq., the New Jersey Department of Education Model Policy and Guidance for Districts on the Prevention and Treatment of Sports-Related Head Injuries and Concussions, and the recommendations developed by the Center for Disease Control and Prevention (CDC).

For the purpose of this Policy and Regulation 2431.4, “programs of athletic competition” shall include any competition or practice in high school interscholastic athletic programs, middle school interscholastic athletic programs where school teams or squads play teams or squads from other school districts, intramural athletic programs within a school or among schools in the district, and any cheerleading program or activity in the school district.

For the purpose of this Policy and Regulation 2431.4, “student-athlete” shall mean any student enrolled in a public or nonpublic school in New Jersey who is a participant in a program of athletic competition organized by the school district.

The staff member supervising the program of athletic competition shall take steps to prevent concussions and head injuries; ensure student-athletes have appropriate supervision and safety equipment; and ensure student-athletes avoid unsafe conditions.

School staff members supervising programs of athletic competition; licensed athletic trainers; nurses; and school/team physicians shall be trained on the possible signs or symptoms of a concussion. Any possible signs or symptoms of a concussion shall be reported by the student-athlete or an observer to the staff member supervising the program of athletic competition; athletic trainer; school/team physician; school nurse; and/or parent.

The school district shall adopt an athletic head injury safety training program to be athletic head injury safety training program. ~~The program shall be~~ completed by the school/team





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### PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

#### R 2431.4 PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

The following procedures shall be followed to implement N.J.S.A. 18A:40-41.1 et seq., the New Jersey Department of Education Model Policy and Guidance for Districts on the Prevention and Treatment of Sports-Related Head Injuries and Concussions, and Policy 2431.4.

##### A. Prevention

##### 1. The following steps may be taken to prevent concussions and head injuries and ensure the safety of student-athletes:

##### a. Limit the number of stunts during cheerleading practice.

(1) When stunting is performed, spotters shall be used and the surface shall be soft and in good condition; and

(2) Safe stunting techniques shall be taught and student-athletes shall not be permitted to attempt new or difficult stunts without proper instruction and a coach on hand.

##### b. Ensure student-athletes have appropriate supervision during practices and a designated safe practice facility in good condition for the activity.

##### c. Ensure the use of appropriate fitted and maintained safety equipment.

##### d. Ensure student-athletes avoid unsafe actions such as:

(1) Hitting another student-athlete in the head;

(2) Using their head to contact another student-athlete;

(3) Making illegal contacts; and

(4) Trying to injure or put another student-athlete at risk for injury.

##### e. Limit the amount of contact during practices. This may include:



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(1) Limiting the amount of practice time that includes scrimmages or full-speed drills.

f. Teach student-athletes proper techniques and ways to avoid hits to the head.

g. Keep a close eye on student-athletes in positions that are at increased risk for concussion to help spot a potential concussion.

B. Possible Signs or Symptoms of Concussion

1. Some mild traumatic brain injuries and concussion symptoms may appear right away, while others may not appear for hours or days after the injury. These symptoms may be observed by coaches, licensed athletic trainers, school/team physicians, school nurses, teachers, parents, or a teammate. Below are a few examples of possible signs and symptoms of a concussion:

a. The student-athlete grabs or holds head after a play or hit - "Hands to Head";

b. The student-athlete appears to be "shaking it off";

c. The student-athlete appears dazed or "foggy";

d. The student-athlete forgets plays or demonstrates short term memory difficulty;

e. The student-athlete cannot recall injury or events just before or just after the injury;

f. The student-athlete answers questions slowly or inaccurately;

g. The student-athlete has a headache;

h. The student-athlete is nauseous or is vomiting;

i. The student-athlete is experiencing balance problems or dizziness;

j. The student-athlete is experiencing double vision or changes in vision;





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- k. The student-athlete is experiencing sensitivity to light or sound/noise;
  - l. The student-athlete is feeling sluggish or foggy;
  - m. The student-athlete is having difficulty with concentration and short-term memory;
  - n. The student-athlete is experiencing sleep disturbance; and
  - o. The student-athlete is experiencing irritability and/or mood changes.
2. Any possible signs or symptoms of a concussion shall be reported by the student-athlete participating in a program of athletic competition to the coach(es), athletic trainer, school or team physician, school nurse, and/or parent.

### C. Treatment

- 1. Pursuant to N.J.S.A. 18A:40-41.4, a student-athlete who participates in a program of athletic competition and who sustains or is suspected of having sustained a concussion or other head injury while engaged in a program of athletic competition shall be immediately removed from the program of athletic competition by the staff member supervising the program of athletic competition.
- 2. The staff member supervising the student-athlete during the program of athletic competition shall immediately contact the school physician, athletic trainer, or school nurse to examine the student-athlete.
- 3. Emergency medical responders (911) shall be called if the student-athlete is experiencing a deterioration of symptoms, loss of consciousness, or direct neck pain associated with the injury pursuant to D. below.
- 4. A student-athlete who is removed from a program of athletic competition shall not participate in further programs of athletic competition until:
  - a. The student-athlete is evaluated by a physician or other licensed healthcare provider trained in the evaluation and management of concussions and receives written clearance from a physician



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### PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

trained in the evaluation and management of concussions to return to the program of athletic competition; and

(1) The student-athlete's written medical clearance from a physician must indicate a medical examination has determined:

(a) The student-athlete's injury was not a concussion or other head injury, the student-athlete is asymptomatic at rest, and the student-athlete may return to regular school activities and is no longer experiencing symptoms of the injury while conducting those activities; or

(b) The student-athlete's injury was a concussion or other head injury and the student-athlete's physician will monitor the student-athlete to determine when the student-athlete is asymptomatic at rest and when the student-athlete may return to regular school activities and is no longer experiencing symptoms of the injury while conducting those activities.

(2) The student-athlete's written medical clearance shall be reviewed and approved by the school physician.

(3) A student-athlete who has suffered a concussion or other head injury may not begin the CDC's Six-Step Return to Play Progression as outlined in E. below until the student-athlete receives a medical examination and provides the required written medical clearance to the Principal or designee.

(4) A written medical clearance not in compliance with the provisions of C.4.a. above will not be accepted.

b. A student-athlete who has suffered a concussion or other head injury returns to regular school activities without the need for additional support and is no longer experiencing symptoms of the injury when conducting those activities.





PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS  
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(1) If school is in session, a student-athlete who has suffered a concussion or other head injury must return to regular school activities without symptoms or need for additional support before returning to a program of athletic competition as part of the CDC's Six-Step Return to Play Progression.

(2) If school is not in session, a student-athlete who has suffered a concussion or other head injury must return to their normal daily activities without symptoms as part of the CDC's Six-Step Return to Play Progression.

D. Symptoms Requiring Immediate Medical Assessment (911/Emergency Evaluation)

1. The following symptoms requiring immediate medical assessment include, but are not limited to:

- a. The student-athlete loses consciousness;
- b. The student-athlete has a headache that gets worse and does not go away;
- c. The student-athlete is experiencing weakness, numbness, decreased coordination, convulsions, or seizure;
- d. The student-athlete is experiencing repeated vomiting and/or intractable retching;
- e. The student-athlete is slurring speech or exhibiting unusual behavior (disoriented);
- f. The student-athlete has one pupil (the black part in the middle of the eye) larger than the other; and
- g. The student-athlete cannot recognize people or places and/or gets confused, restless, or agitated.

E. CDC's Six-Step Return to Play Progression for Students Who Have Suffered a Concussion or Other Head Injury



PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS  
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1. The return of a student-athlete to a program of athletic competition shall be in accordance with the CDC's Six-Step Return to Play Progression recommendations and any subsequent changes or other updates to those recommendations as developed by the CDC. Recovery is individual.

a. As applicable, the student-athlete's treating healthcare provider may guide the student-athlete through the return to play protocol while experiencing mild symptoms as part of the treatment.

b. In addition, the student-athlete's treating healthcare provider may adjust the treatment plan prior to Step Six, full return to competition.

c. Clearance from a student-athlete's physician trained in the evaluation and management of concussions is required before returning to full competition.

2. Six-Step Return to Play Progression

a. Step 1: Back to Regular Activities

The student-athlete is back to their regular activities (such as school).

b. Step 2: Light Aerobic Activity

The student-athlete shall begin with light aerobic exercise only to increase a student-athlete's heart rate. This means about five to ten minutes on an exercise bike, walking, or light jogging. No weightlifting at this point.

c. Step 3: Moderate Activity

The student-athlete shall continue with activities to increase a student-athlete's heart rate with body or head movement. This includes moderate jogging, brief running, moderate-intensity stationary biking, or moderate-intensity weightlifting (less time and/or less weight from their typical routine).

d. Step 4: Heavy, Non-Contact Activity





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The student-athlete shall add heavy, non-contact physical activity, such as sprinting/running, high-intensity stationary biking, regular weightlifting routine, or non-contact sport-specific drills (in three planes of movement).

e. Step 5: Practice & Full Contact

The student-athlete may return to practice and full contact (if appropriate for the sport) in controlled practice.

f. Step 6: Competition

The student-athlete may return to competition.

3. It is important for a student-athlete's parent(s), coach(es), and teachers to watch for concussion symptoms after each day's Six-Step Return to Play Progression activity.

4. A student-athlete should only move to the next step if they do not exhibit any new symptoms at the current step.

5. If a student-athlete's symptoms return or if they develop new symptoms, this could be a sign the student-athlete is overexerting. The student-athlete shall stop these activities and the student-athlete's medical provider shall be contacted. After more rest and no concussion symptoms, the student-athlete can start at the previous step.

F. Temporary Supports for Student-Athletes with Sports-Related Head Injuries or Concussions

1. Initial rest followed by a gradual return to activity during healing is recommended. Accordingly, consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports-related concussions and head injuries.

2. Mental exertion increases the symptoms from concussions and affects recovery. To recover, cognitive rest is just as important as physical rest. Reading, studying, computer usage, texting, even watching movies if a student-athlete is sensitive to light/sound, can slow a student-athlete's



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### PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES (M)

- recovery. Managing the symptoms through a balance of rest and activity is the key to recovery.
- a. The district will provide support for student-athletes diagnosed with a concussion.
  - b. The student-athlete's health care provider will handle short-term medical accommodations.
3. Collaboration between the student-athlete's health care provider and the school may be necessary. If accommodations are needed for an extended time, the district may want to consider implementing accommodations via a formalized 504 plan.
4. The Principal or designee may address the student-athlete's cognitive needs in the following ways:
- a. Limit the student-athlete's screen time;
  - b. Have the student-athlete take rest breaks as needed;
  - c. Have the student-athlete spend fewer hours at school;
  - d. Provide the student-athlete more time to take tests or complete assignments. (All courses should be considered);
  - e. Provide the student-athlete help with schoolwork;
  - f. Reduce the student-athlete's time spent on the computer, reading, and writing;
  - g. Provide or grant the student-athlete early passing time to avoid crowded hallways; and/or
  - h. Allow the student-athlete extra time to complete tests or coursework.
5. These supports and/or short-term medical accommodations may be addressed in an individualized healthcare plan for a student-athlete who has suffered a concussion or other head injury.





PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS  
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6. Concussions affect several aspects of brain function, including cognition, balance and coordination, visual tracking and processing, behavior, and others. The symptoms experienced, difficulties faced, and timeline for recovery will vary for each individual.

7. A brief period of relative rest followed by a gradual return to lighter activities is generally considered the best "medicine" for healing concussions or other head injuries. This may include relative rest from both physical and cognitive activities. Each injury, and therefore each treatment plan, is different. School personnel, in collaboration with the student-athlete, parents, and the student-athlete's health care provider, are in the best position to create flexible, temporary supports to meet the needs of each student-athlete.

G. Education

1. The CDC offers tips for health professionals and educators on their website. Interscholastic Head Injury Training Programs are available via the CDC website or the National Federation of State High School Associations.

2. This training shall be completed by the school/team physician, licensed athletic trainer, school nurses, coaches, and other relevant school personnel.

H. Other Considerations

1. Educational information for student-athletes on the prevention of concussions shall be reviewed.

2. The importance of early identification and treatment of concussions to improve recovery shall be reinforced.

3. School personnel shall contact the student-athlete's parent and inform them of the suspected sports-related concussion or head injury before allowing the student-athlete to go home after a program of athletic competition.

4. School personnel shall provide the parent of the student-athlete with a checklist or copy of the return to play protocols including the requirement of written clearance from a physician trained in the evaluation and management of concussions before the student-athlete is able to return to a program of athletic competition.



## I. Interscholastic Head Injury Training Program

1. The district will adopt an Interscholastic Head Injury Training Program to be completed by the school/team physician, licensed athletic trainer, coaches, and other appropriate district personnel pursuant to N.J.S.A. 18A:40-41.2. The training program shall include:

a. The recognition of the signs of head and neck injuries, concussions, and second impact syndrome; and

(1) Pursuant to N.J.S.A. 18A:40-41.1.d., if a student-athlete sustains a second concussion while still having symptoms of a previous concussion, it can lead to the severe impairment and even the death of the student-athlete, and is referred to as second-impact syndrome.

b. The CDC's Six-Step Return to Play Progression or any subsequent changes or other updates developed by the CDC.

## J. "Return to Play Progressions" vs. "Therapeutic Progressions"

1. In many cases, after the initial rest period, concussed individuals may be encouraged to resume limited activities, including light physical and cognitive activities, even in the presence of some continued symptoms. This may be referred to as "therapeutic progressions," and while some of the activities may overlap with the CDC's Six-Step Return to Play Progression, it is different in the goals and intent from "return to play."

a. "Return to play" progressions are intended to test the concussed individual's readiness to perform the activity correctly, and to do so with no symptoms.

b. "Therapeutic" progressions are intended to help the individual recover and to help them improve their performance and tolerance to those activities. This may take several days, or longer, at any given step.

c. "Therapeutic progressions" should be recommended and supervised by a health care provider familiar with the evaluation and





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management of concussions, and monitored by a team including the student-athlete, parents, health care provider, and school personnel. Adjustments to the program should be in response to the student-athlete's overall symptom load and progress. It should be remembered that student-athletes may progress at different rates for various aspects of their injury, such as tolerating light to moderate aerobic activity before tolerating being in the classroom, or tolerating schoolwork done at home before tolerating the classroom and school environment. Of note, progressions in one aspect of the treatment plan can have a positive effect on other areas as the brain is returning to a more typical overall level of function. A successful treatment plan is one that can adapt appropriately for each student-athlete.

#### K. Educating the Community on the District Sports-Related Concussions and Head Injuries Policy

1. The Board shall review Policy 2431.4 and this Regulation annually, and update as necessary to ensure Policy 2431.4 and this Regulation reflect the most current information available on the prevention, risk, and treatment of sports-related concussions and head injuries.
2. The district may provide regular education and training for staff including administrators, teachers, paraprofessionals, and school counselors regarding concussions and other head injuries as head injuries can happen at any time during the school day or outside of school.
3. The district is in a unique position to promote healthy behaviors. The district can embed education related to the prevention and treatment of concussions and head injuries through the New Jersey Student Learning Standards Comprehensive Health and Physical Education Standard 2.3 – Safety. In addition, N.J.S.A. 18A:6-2 requires education in accident and fire prevention and N.J.S.A. 18A:35-5 requires education in injury or illness emergencies.

A concussion is a traumatic brain injury caused by a blow or motion to the head or body that disrupts the normal functioning of the brain and can cause significant neuropsychological impairments including, but not limited to, problem solving, planning, memory and behavioral problems. Allowing a student to return to athletic competition or practice before recovering from a concussion increases the chance of a more serious brain



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~~injury that can result in severe disability and/or death. The following procedures shall be followed to implement N.J.S.A. 18A:40-41.1 et seq. and Policy 2431.4.~~

#### ~~A. Interscholastic Athletic/Cheerleading Program Head Injury Training Program~~

- ~~1. The school district will adopt an Interscholastic Athletic/Cheerleading Program Head Injury Training Program to be completed by the school or team physician, licensed athletic trainer(s) involved in the interscholastic athletic program, all staff members that coach an interscholastic sport or cheerleading program, designated school nurses, and other appropriate school district personnel as designated by the Superintendent.~~
- ~~2. This Training Program shall be in accordance with the guidance provided by the New Jersey Department of Education and the requirements of N.J.S.A. 18A:40-41.1 et seq.~~

#### ~~B. Prevention~~

- ~~1. The school district may require pre-season baseline testing of students before the student begins participation in athletic competition or practice. The baseline testing program shall be reviewed and approved by the school physician trained in the evaluation and management of sports-related concussions and other head injuries.~~
- ~~2. The Principal or designee will review educational information for students participating in athletic competition or practice on the prevention of concussions.~~
- ~~3. All school staff members, students participating in athletic competition or practice, and parents of students participating in athletic competition or practice shall be annually informed through the distribution of the New Jersey Department of Education Concussion and Head Injury Fact Sheet and Parent/Guardian Acknowledgement Form and other communications from the Principal and coaches on the importance of early identification and treatment of concussions to improve recovery.~~

#### ~~C. Signs or Symptoms of Concussion or Other Head Injury~~

- ~~1. Possible signs of concussions can be observed by coaches, licensed athletic trainer, school or team physician, school nurse, or other school~~





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~~staff members. Possible signs of a concussion may be, but are not limited to, the student-athlete or cheerleader:~~

- ~~a. — Appears dazed, stunned, or disoriented;~~
- ~~b. — Forgets plays, or demonstrates short-term memory difficulty;~~
- ~~c. — Exhibits difficulties with balance or coordination;~~
- ~~d. — Answers questions slowly or inaccurately; and/or~~
- ~~e. — Loses consciousness.~~

~~2. — Possible symptoms of concussion shall be reported by the student-athlete or cheerleader to coaches, licensed athletic trainer, school or team physician, school nurse, and/or parent. Possible symptoms of a concussion are, but not limited to:~~

- ~~a. — Headache;~~
- ~~b. — Nausea/vomiting;~~
- ~~c. — Balance problems or dizziness;~~
- ~~d. — Double vision or changes in vision;~~
- ~~e. — Sensitivity to light or sound/noise;~~
- ~~f. — Feeling sluggish or foggy;~~
- ~~g. — Difficulty with concentration and short-term memory;~~
- ~~h. — Sleep disturbance; or~~
- ~~i. — Irritability.~~

~~D. — Medical Attention for a Student Suspected of a Concussion or Other Head Injury~~

- ~~1. — Any student who participates in athletic competition or practice and who sustains or is suspected of having sustained a concussion or other head~~



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~~injury while engaged in an athletic competition or practice shall immediately be removed athletic competition or practice.~~

- ~~a. A staff member supervising the student during the athletic competition or practice shall immediately contact the school physician, athletic trainer or school nurse to examine the student.~~

- ~~(1) The school physician, athletic trainer, or school nurse shall determine if the student has sustained or may have sustained a concussion or other head injury. The school physician, athletic trainer, or school nurse shall determine if emergency medical responders shall be called to athletic competition or practice.~~

- ~~(2) In the event the school physician, athletic trainer, or school nurse determine the student did not sustain a concussion or other head injury, the student shall not be permitted to participate in any further athletic competition or practice until written medical clearance is provided in accordance with E. below.~~

- ~~2. The staff member supervising a student who has been removed from athletic competition or practice in accordance with D.1. above or another staff member shall contact the student's parent and the Principal or designee as soon as possible after the student has been removed from the athletic competition or practice.~~

- ~~a. A parent shall monitor their student for symptoms of a concussion or other head injury upon receiving such notification.~~

#### ~~E. Medical Examination and Written Medical Clearance~~

- ~~1. A student who was removed from athletic competition or practice in accordance with D.1. shall not participate in further athletic competition or practice until:~~

- ~~a. The student is examined by a physician or other licensed healthcare provider trained in the evaluation and management of concussions;~~





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~~b. The student receives written medical clearance from a physician trained in the evaluation and management of concussions to return to competition or practice; and~~

~~c. The student returns to regular school activities and is no longer experiencing symptoms of the injury while conducting those activities.~~

~~2. The student's written medical clearance from a physician must indicate a medical examination has determined:~~

~~a. The student's injury was not a concussion or other head injury, the student is asymptomatic at rest, and the student may return to regular school activities and is no longer experiencing symptoms of the injury while conducting those activities; or~~

~~b. The student's injury was a concussion or other head injury and the student's physician will monitor the student to determine when the student is asymptomatic at rest and when the student may return to regular school activities and is no longer experiencing symptoms of the injury while conducting those activities.~~

~~3. The student's written medical clearance must be reviewed and approved by the school physician.~~

~~4. The student may not begin the graduated return to athletic competition and practice protocol in F. below until the student receives a medical examination and provides the required written medical clearance.~~

~~5. A written medical clearance not in compliance with the provisions of E. will not be accepted.~~

#### ~~F. Graduated Return to Athletic Competition and Practice Protocol~~

~~1. The return of a student to athletic competition and practice shall be in accordance with the graduated, six-step "Return to Play Progression" recommendations and any subsequent changes or updates to those recommendations as developed by the Centers for Disease Control and Prevention.~~



PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS  
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~~a. Back to Regular Activities (Such as School)~~

~~The student is back to their regular activities (such as school) and has the green light from the student's physician approved by the school physician to begin the return to play process. A student's return to regular activities involves a stepwise process. It starts with a few days of rest (two-three days) and is followed by light activity (such as short walks) and moderate activity (such as riding a stationary bike) that do not worsen symptoms.~~

~~b. Light Aerobic Activity~~

~~Begin with light aerobic exercise only to increase the student's heart rate. This means about five to ten minutes on an exercise bike, walking, or light jogging. No weight lifting at this point.~~

~~c. Moderate Activity~~

~~Continue with activities to increase the student's heart rate with body or head movement. This includes moderate jogging, brief running, moderate intensity stationary biking, and/or moderate intensity weightlifting (less time and/or less weight from their typical routine).~~

~~d. Heavy, Non-Contact Activity~~

~~Add heavy non-contact physical activity, such as sprinting/running, high intensity stationary biking, regular weightlifting routine, and/or non-contact sport specific drills (in three planes of movement).~~

~~e. Practice and Full Contact~~

~~The student may return to practice and full contact (if appropriate for the athletic competition) in controlled practice.~~

~~f. Athletic Competition~~

~~The student may return to athletic competition or practice.~~





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~~2. It is important for a student's parent(s) and coach(es) to watch for concussion symptoms after each day's "Return to Play Progression" activity. A student should only move to the next step if they do not have any new symptoms at the current step.~~

~~3. If a student's symptoms return or if they develop new symptoms, this is a sign that a student is pushing too hard. The student should stop these activities and the student's health care provider should be contacted. After more rest and no concussion symptoms, a student can start at the previous step if approved by the student's healthcare provider and provides written medical clearance to the school physician.~~

~~G. Temporary Accommodations for Student's Participating in Athletic Competition with Sports-Related Head Injuries~~

~~1. The concussed brain is affected in many functional aspects as a result of the injury. Memory, attention span, concentration, and speed of processing significantly impact learning. Further, exposing the concussed student to the stimulating school environment may delay the resolution of symptoms needed for recovery. Accordingly, consideration of the cognitive effects in returning to the classroom is also an important part of the treatment of sports-related concussions and head injuries.~~

~~2. To recover, cognitive rest is just as important as physical rest. Reading, studying, computer usage, testing, texting, and watching movies if a student is sensitive to light/sound can slow a student's recovery. The Principal or designee may look to address the student's cognitive needs as described below. Students who return to school after a concussion may need to:~~

~~a. Take rest breaks as needed;~~

~~b. Spend fewer hours at school;~~

~~c. Be given more time to take tests or complete assignments (all courses should be considered);~~

~~d. Receive help with schoolwork;~~

~~e. Reduce time spent on the computer, reading, and writing; and/or~~



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~~f. Be granted early dismissal from class to avoid crowded hallways.~~

Adopted: March 27, 2017

Revised: May, 24, 2022

Revised: June 18, 2024





## POLICY #3211 – CODE OF ETHICS

The Board of Education endorses the code of ethics for professional educators published by the National Education Association (NEA).

### Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nature of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parent(s) or legal guardian(s), and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than one specifically designated by the NEA or its affiliates.

### Principle I -- Commitment to the Student

The educator strives to help each student realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator--

1. Shall not unreasonably restrain the student from independent action in the pursuit of learning.
2. Shall not unreasonably deny the student access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the student's progress.



4. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
5. Shall not intentionally expose the student to embarrassment or disparagement.
6. ~~Shall not, on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--~~
  - a. Exclude any student from participation in any program
  - b. Deny benefits to any student
  - c. Grant any advantage to any student
7. Shall not use professional relationships with students for private advantage.
8. Shall not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

## Principle II -- Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards to promote a climate that encourages the exercise of professional judgment, to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator--

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent ~~his/her~~ their professional qualifications.





3. Shall not assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.
4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non-educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not gamble on school property or worksite.

For the purpose of this policy “worksite” shall include any school building, or any school premises and any school owned vehicles or any other school approved vehicle used to transport students to and from school activities. Worksite also includes off school property during any school sponsored or school approved activity, event or function such as a field trip or athletic events, where students are under the jurisdiction of the school district.

[N.J.A.C. 6A:7-1.1; 6A:7-1.3](#)

Adopted: 09 October 2006

[Revised: June 18, 2024](#)



5750 ~~EQUAL~~ EQUITABLE EDUCATIONAL OPPORTUNITY

The Board of Education directs that all students enrolled in the schools of this district shall be afforded ~~an equitable~~ equal educational opportunities in strict accordance with law. No student shall be denied access to or benefit from any educational program or activity or from a co-curricular or athletic activity on the ~~basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a). The Board shall assure that all students are free from harassment, sexual or otherwise.~~ basis of the student's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability. The Board shall assure that all students are free from harassment, sexual or otherwise.

The Board directs the Superintendent to allocate faculty, administrators, support staff members, curriculum materials, and instructional equipment supplies among and between the schools and classes of this district in a manner that ensures equivalency of educational opportunity throughout this district. The school district's curricula in the following areas will ~~eliminate discrimination, promote mutual acceptance and respect among students, and enable students to interact effectively with others, regardless of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a). race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability:~~

1. School climate/learning environment;
2. Courses of study, including Physical Education;
3. Instructional materials and strategies;
4. Library materials;
5. Software and audio-visual materials;
6. Guidance and counseling;
7. Extra-curricular programs and activities; ~~and~~





8. Testing and other assessments.

~~The school district's curricula will include Multi-cultural Education content and practices, instruction on African American History in the teaching of U.S. History and instruction on the Holocaust and other acts of genocide.~~

Affirmative action shall be taken to ensure that students are protected from the effects of discrimination, in accordance with Policy No. 2260. Students who experience less than equal educational opportunities or experience discrimination shall use the procedure established by Regulation No. 5750 to report and appeal any harassment or discriminatory practice.

The conduct of teaching staff members shall exemplify the highest principles of equality and democracy. Conduct and attitudes that display discrimination are contrary to the policies of this Board and, further, are destructive to the self esteem that this Board wishes to encourage in all students. A teaching staff member's act of derision or enmity, in any form, against a person or persons on the basis of ~~any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability~~ shall be considered to be conduct unbecoming to a professional staff member of this district and shall be subject to appropriate discipline.

The Superintendent shall develop and promulgate a procedure by which a student or parent may appeal Board policy, district practice, or the act or omission of any district employee who allegedly violates this policy.

42 U.S.C.A. 12101  
N.J.S.A. 10:5-1, ~~et. seq.~~  
N.J.S.A. 18A:4A-1, et seq.  
N.J.S.A. 18A:6-5 et seq.; 18A:36-20  
N.J.A.C. 6A:7-1.1 ~~et seq.~~; ~~6A:7-1.3~~ 6A:14-1.2

Adopted: 13 December 2010  
Approved on first reading June 20, 2016  
Scheduled for second reading July 20, 2016



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Revised: July 20, 2016  
Revised: March 19, 2024





# POLICY

## LIVINGSTON BOARD OF EDUCATION

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EQUAL ACCESS OF STUDENT ORGANIZATIONS

### Policy #5842 - EQUAL ACCESS OF STUDENT ORGANIZATIONS

The Board of Education will permit the use of school facilities by ~~pupil~~student-initiated organizations for non-curricular ~~pupil~~student activities. A ~~pupil~~student-initiated organization, regardless of the size of the group, will not be denied an opportunity to meet and use school facilities on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) or the political, philosophical, or other content of the speech at their meeting.~~basis of the religious, political, philosophical, or other content of the speech at their meeting.~~

An application for permission to meet on school premises shall be made to the Principal or designee, who shall grant permission provided ~~that he/she it is~~ determined~~s~~ that:

1. The activity has been initiated by ~~pupil~~students;
2. Attendance at the meeting is voluntary;
- ~~3. No agent or employee of the district will promote, lead, or participate in the meeting;~~
- ~~3~~4. The meeting is for a lawful purpose;
- ~~4~~5. The meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school; and
- ~~5~~6. Nonschool persons do not direct, conduct, control, or regularly attend the activity.
- ~~6~~7. The activity is adequately supervised by appropriately certified school district staff.

A ~~pupil~~student-initiated group granted permission to meet on school premises shall be subject to the same rules and regulations that govern the meetings of ~~pupil~~student organizations sponsored by this Board, except as provided by this ~~P~~olicy.

Participation in a ~~pupil~~student-initiated meeting must be available to all ~~pupil~~students who wish to attend and cannot be denied on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) a pupil's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.~~a pupil's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.~~ The Board will not permit the organization of a fraternity, sorority,



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### EQUAL ACCESS OF STUDENT ORGANIZATIONS

or secret society in accordance with N.J.S.A. 18A:42-5 and 18A:42-6. ~~A pupil-initiated meeting may be attended by no more than two outside resource person(s).~~

Access to school facilities by ~~pupil~~student organizations will be provided within the governing principles of the First Amendment of the Constitution of the United States.

School district staff involvement in student organizations shall be in accordance with the governing principles of the First Amendment of the Constitution of the United States.

An appropriately certified staff member shall be assigned to attend a ~~pupil~~student-initiated meeting in a custodial capacity and shall not participate in the activity while serving in this custodial capacity. No teaching staff member shall be ~~required~~compelled to attend a ~~pupil~~student-initiated meeting if the content of the speech at the meeting is contrary to ~~his/her~~their beliefs.

The ~~Building~~Principal ~~or designee~~ may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of ~~pupil~~students and staff members.

20 U.S.C.A. 1701 et seq.

United State Department of Education - Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools

N.J.A.C. 6A:7-1.1; 6A:7-1.3

Adopted: 24 May 2004

Revised: June 18, 2024

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## Policy #7610 - VANDALISM

The Board of Education believes ~~that~~ all school district property should be respected and all persons who use or have access to school district property should respect such property and take pride in the institutions of this community and the schools of this district.

Any person who purposely or knowingly damages school district property, or damages school district property recklessly or negligently in the employment of fire, explosives, or another dangerous means listed in accordance with N.J.S.A. 2C:17-2, or purposely or recklessly tampers with the tangible property of the school district so as to endanger school district property shall be reported to the appropriate law enforcement agency. Pursuant to N.J.S.A. 18A:37-3, the parent(s) of any minor who shall injure any public or nonpublic school property shall be liable for damages for the amount of injury to be collected by the Board or the owner of the premises in any Court of competent jurisdiction together with costs of suit. ~~Where the damage to district property is more than minimal or has been caused by a pupil or a minor not a pupil of this district, the Board will hold liable for the amount of the damage the parent(s) or legal guardian(s) having legal custody and control of the minor responsible for the damage.~~

~~A person convicted of an offense of criminal mischief that involves an act of graffiti may, in addition to any other penalty imposed by the Court, be required to pay the school district monetary restitution in the amount of the pecuniary damage caused by the act of graffiti and to perform community service, which may include removing the graffiti from the property, in accordance with N.J.S.A. 2C:17-3.c. If community service is ordered by the Court, it shall be for either not less than twenty days or not less than the number of days necessary to remove the graffiti from the property.~~

~~A person who purposely defaces or damages district property with any symbol that exposes persons to violence, contempt, or hatred on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) may have committed a crime and shall be reported to the appropriate law enforcement agency in accordance with Policy and Regulation 8465, N.J.A.C. 6A:16-6.3, and the Memorandum of Agreement with Local Law Enforcement.~~

~~A person convicted of an offense that involves an act of graffiti will be required to reimburse the school district the cost of damages and may be required to perform community service, which may include removing the graffiti from the property, in accordance with the law. In addition, the courts may suspend or postpone driving~~



# POLICY

## LIVINGSTON BOARD OF EDUCATION

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~~privileges of any person, at least thirteen and under eighteen years of age, if convicted of an act of graffiti.~~

~~A person who purposely defaces or damages district property with any symbol that exposes persons to violence, contempt, or hatred on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability is guilty of a crime and shall be reported to appropriate law enforcement authorities.~~

The Board may also report to the appropriate law enforcement agencies any person whose vandalism of school property is serious or chronic.

~~The Superintendent shall develop regulations to implement this policy and to protect textbooks, school equipment, and school facilities from undue wear, damage, or loss.~~

N.J.S.A. 2C:33-10 et seq.

N.J.S.A. 18A:34-2; 18A:37-3

N.J.A.C. 6A:7-1.1; 6A:7-1.3; 6A:16-6.3

Adopted: 09 January 2006

Revised: March 19, 2024





# REGULATION

## LIVINGSTON BOARD OF EDUCATION

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### R 7610 VANDALISM (M)

#### A. Definitions

1. "Vandalism" means the willful and malicious acts of any person that result in the destruction, defacement, or damage of any property, real or personal, belonging to or entrusted to the Board of Education. Vandalism includes arson and acts of graffiti.
2. "Arson" means the willful and malicious burning or setting on fire of any building or part of any building owned or operated by the Board, by any person.
3. "Act of graffiti" means the drawing, painting, or making of any mark or inscription on school district real or personal property without the permission of the school district.

#### B. Reporting Vandalism

1. Any school employee who has reason to believe an act of vandalism has occurred shall immediately report that belief or suspicion to the Principal of the affected building or, if the vandalism occurs at a facility other than a school, the supervisor in charge of the facility.
2. The Principal or supervisor shall promptly institute an investigation of the report by taking these steps as appropriate to the extent and seriousness of the vandalism:
  - a. Requesting the reporting employee to file a report of the evidence giving rise to their belief or suspicion that vandalism has occurred;
  - b. Visiting the site of the vandalism and examining its extent, taking photographs as necessary;
  - c. Determining and recording the names of witnesses, if any;
  - d. Interviewing witnesses and requesting their written reports of events;



# REGULATION

## LIVINGSTON BOARD OF EDUCATION

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- e. Assessing the costs of repair and replacement of any parts of the building, furnishings, and/or equipment; and
  - f. Questioning the person(s), if any, identified as having caused the vandalism.
- 3. The Principal will complete and file with the Superintendent a detailed vandalism and property damage report.
  - 4. The Principal will notify law enforcement when appropriate and in accordance with applicable laws.

### C. Penalties and Restitution

- 1. A student who vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with Board Policy, Board Regulation, and law.
- 2. A student who vandalizes school property will be held liable for any damages caused by the act of vandalism.
- 3. The parent(s) of any minor who shall injure any public or nonpublic school property shall be liable for damages for the amount of the injury to be collected by the Board or the owner of the premises in any Court of competent jurisdiction, together with costs of suit in accordance with N.J.S.A. 18A:37-3.
  - a. The Principal or designee shall obtain a professional estimate of the cost of repairs and/or replacements necessitated by the vandalism.
  - b. The Principal or designee shall present the student's parent(s) with an itemized bill based on the estimated costs.
  - c. If, within thirty calendar days, the student's parent(s) has not paid the bill or made arrangements with the Principal or designee for the payment of the bill in periodic installments, the Superintendent shall inform the Board and may recommend the Board Attorney commence civil action for the amount due together with costs.





# REGULATION

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- d. No diploma, transcript, transfer card, or report card will be issued to the student until all obligations to the Board have been met.
- 4. Any person who purposely defaces or damages school property with any symbol that exposes persons to violence, contempt, or hatred on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a) may have committed a crime and shall be reported to the appropriate law enforcement agency in accordance with Policy and Regulation 8465; N.J.A.C. 6A:16-6.3; and the Memorandum of Agreement with Local Law Enforcement.
- 5. Any person who purposely or knowingly damages school district property recklessly or negligently in the employment of fire, explosives, or another dangerous means listed in accordance with N.J.S.A. 2C:17-2, or purposely or recklessly tampers with the tangible property of the school district so as to endanger school district property, will be reported to the appropriate law enforcement agency.
- 6. A person convicted of an offense of criminal mischief that involves an act of graffiti may, in addition to any other penalty imposed by the Court, be required to pay the school district monetary restitution in the amount of the pecuniary damage caused by the act of graffiti and to perform community service, which may include removing the graffiti from the property, in accordance with N.J.S.A. 2C:17-3.c. If community service is ordered by the Court, it shall be for either not less than twenty days or not less than the number of days necessary to remove the graffiti from the property.

Approved: June 18, 2024

