

**WESTFIELD PUBLIC SCHOOLS**  
Westfield, New Jersey 07090

**PROGRAM**  
**2415**  
**Every Student Succeeds Act**  
*Regulations follow*  
**M**

Page 1 of 4

## **2415 EVERY STUDENT SUCCEEDS ACT**

The Every Student Succeeds Act (ESSA) is a reauthorization of the Elementary and Secondary Education Act (ESEA) of the 1965 that provides Federal funds to help all New Jersey's school children achieve. The purpose of the ESSA is to ensure that all pupils have equitable access to high-quality educational resources and opportunities and to close educational achievement gaps. The Board of Education elects to augment the instructional program of pupils by projects supported by federal funds allocated under the ESSA and the district will comply with the requirements of all the programs authorized by ESSA.

The district may be eligible for several grant programs funded through the ESSA, including, but not limited to, Title I through Title VII. Many of the Titles of the ESSA have several parts and subparts that provide a funding source for specific purposes.

### Application Procedure

The district will submit an annual ESSA Consolidated Formula Subgrant Application to the New Jersey Department of Education (NJDOE). The school district's application shall include all information required by the NJDOE and the ESSA for the district to be considered for funding under the ESSA.

### Covered Programs

Formula grants under the ESSA are non-competitive grants that school districts are eligible for based on the make-up of their student bodies. These formula grants for each Title are committed to different purposes and may be used to support different activities and programs.

### Title I

The largest federal program supporting elementary and secondary education is Title I. The ESSA strengthens Title I requirements for the State's assessments, accountability system, and support for school improvement. The law also requires minimum qualifications for teachers and paraprofessionals in Title I programs.

The school district must use the best available measure for identifying children from low-income families to identify eligible school attendance areas, determine the ranking of each area and to determine allocations as identified in the Title I guidelines and regulations.

The school district will offer Title I services to eligible children enrolled in private elementary and secondary schools. The services and benefits will be equitable in comparison to services and benefits for participating public school children.

The school district will provide the New Jersey Department of Education assurances it will provide the maximum coordination between the Title I program, the regular school program, and services provided by other programs for specialized populations. The Title I program will consider the special needs of homeless children, migrant children, children with disabilities and limited English proficient (LEP) children. Title I funds will be reserved so that migrant children who are otherwise eligible to receive Title I services, even if they arrive during the school year, are served.

#### Type of Title I Program

The school district will offer a Target Assistance Program Title I program.

#### Target Assistance Program

Schools that are not eligible for (or do not choose to operate) school-wide Title I programs must use Title I funds to provide targeted services to low-achieving pupils. A Target Assistance program must be established in accordance with the Title I guidelines and regulations and the New Jersey Department of Education.

#### New Jersey Department of Education Accountability System

The district will comply with the accountability system established by the New Jersey Department of Education and outlined in the New Jersey State Plan and approved by the United States Department of Education.

#### Fiscal Responsibility

The district will comply with the requirements as outlined in Policy 2415.02 Title I – Fiscal Responsibilities in accordance with the NJDOE and ESSA.

#### Staff

The district will comply with the staff certification requirements of the ESSA and the NJDOE. In addition, the district will ensure all paraprofessionals meet the requirements as established by the ESSA and as outlined in Policy 4125 – Employment of Support Staff Members.

#### Parental Involvement

The district will comply with the requirements as outlined in Policy 2415.04 – Parental Involvement in accordance with the NJDOE and the ESSA.

#### Pupil Surveys, Analysis and/or Evaluations

The Protection of Pupil Rights Amendment (PPRA) applies to school districts that receive federal funding from the United States Department of Education. The district will comply with the requirements as outlined in Policy 2415.05 - Pupil Surveys, Analysis and/or Evaluations in accordance PPRA.

#### Unsafe School Choice Option

In the event there is a school in the district designated as Persistently Dangerous or in accordance with the Victims of Violent Criminal Offenses as outlined in the ESSA, the district will comply with the requirements of Policy 2415.06 – Unsafe School Choice Option in accordance with the NJDOE and the ESSA.

#### Property

Property acquired through Title I funds for use in public or private schools will be acquired in accordance with the Public School Contracts Law, will be held in title by the Board of Education, and will not be used for other purposes so long as it is required in the Title I program. Property no longer required for Title I purposes will be used for other, similarly funded projects or disposed of in accordance with State and federal guidelines.

#### Capital Expenses

The Superintendent will assure the district abides by New Jersey's Public Contracts Law; consults appropriate private school officials prior to making any decisions regarding capital expenses; ensure funds that are received to cover capital expenses provide equitable Title I services to private school pupils; ensure accounts for any capital funding is separately maintained; and assure lease purchase agreements are consistent with applicable statute and administrative code.

#### Post-Award Requirements

The school district will maintain all project records for five years following the completion of the activity for which the funds were used. The school district will prepare and submit all reports as required by the State Department of Education in a timely manner.

**Supplement, Not Supplant**

Grant funds provide under federal programs, including the ESEA of 1965 as amended by the ESSA shall supplement, not supplant the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of pupils participating in programs assisted under the ESEA of 1965 as amended by the ESSA.

**Evaluation**

The Superintendent will evaluate the ESSA programs as required by the United States and the New Jersey Departments of Education.

Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as amended by the Every Student Succeeds Act.

Approved: November 6, 2007  
Revised: April 29, 2014  
First Reading: April 6, 2021  
Second Reading:

## **R 2415 EVERY STUDENT SUCCEEDS ACT**

The Board of Education elects to augment the instructional program of educationally deprived pupils by projects supported by federal funds allocated under Title I - The Improving America's Schools Act of 1994 (IASA) (Public Law 103-382) Part A and Part C Subpart 2.

### Purpose

The purpose of Title I is to enable schools to provide opportunities for children served to acquire the knowledge and skills contained in the challenging State content standards and to meet the challenging State performance standards developed for all children.

### Title I Grants

The school district is eligible to receive a Basic Grant. The amount of the grant shall be in accordance with Federal and State Title I guidelines. The school district may be eligible for the following Title I grants:

- A. Basic Grant - The school district is eligible for a Basic Grant based on State expenditure levels, county poverty levels and number of eligible children in accordance with the Title I guidelines and regulations.
- B. Concentration Grants - The county may be eligible for a Concentration Grant based on the number of Title I eligible children in the county or on the county's poverty rate. The school district is eligible for the Concentration Grant if the county does not qualify for the grant and if the school districts where pupil poverty rates exceed those of the county where they live. Concentration Grants will be distributed to the county and/or the school district in accordance with all Title I guidelines and regulations.
- C. Target Grants - The school district is eligible to receive a Target Grant if it has at least ten formula children and if the number of low income children is at least five percent of the total school population, aged 5 to 17 years old. Target Grants will be distributed in accordance with the Title I guidelines and regulations.

### Application Procedure

- A. The school district will submit an application and plan for Consolidated Grant funds to the New Jersey Department of Education for approval. The school district plan and application must describe:

1. Any additional high quality assessments, if any, other than those described in the State Plan, that the school district and the individual schools will use to:
    - a. Determine success in meeting the State’s pupil performance standards;
    - b. Provide information on individual pupil progress;
    - c. Assist in diagnosis, teaching and learning in the classroom that will enable children served under the Title I to meet the State standards and attain success in the local curriculum; and
    - d. Determine that revisions are needed to Title I projects to facilitate the above.
  2. Indicators that will be used to provide information on individual pupil progress toward meeting the State performance standards and to aid in improving instruction;
  3. The professional development activities;
  4. Poverty criteria used to select eligible school attendance areas;
  5. How pupils most in need of services in non school-wide schools will be selected;
  6. How the school district will coordinate and integrate services provided with other educational services, federal programs and programs provided by other State agencies, at the school district or individual school level;
  7. Plans to provide for and include eligible children in private schools;
  8. How school improvement and corrective action will be carried out;
- B. The school district will develop the Title I plan in consultation with parent(s) or legal guardian(s) of children in schools served under Title I.

**Program Requirement, Determination and Allocation of Funds**

- A. Determination - Title I funds will be used only in eligible school attendance areas as designated in the Title I guidelines and regulations. In order for a school to be designated as an eligible school attendance area, for Title I purposes, the percentage of children from low-income families in the school attendance area must be at least as high as the percentage of children from low-income families in the school district as a whole.

- B. Ranking Order - The school district may rank its attendance areas by grade-span grouping or for the entire school district. If funds are insufficient to serve all eligible school attendance areas, the school district will:
1. Annually rank, without regard to grade-span, eligible school attendance areas in which the concentration of children from low income families exceeds 75% from highest to lowest according to the percentage of children from low income families; and
  2. Serve such eligible school attendance areas in rank order.
- C. Remaining Funds - If funds remain after serving these eligible school attendance areas, a school district will:
1. Annually rank such agency's remaining eligible school attendance areas from highest to lowest either by grade span or for the entire local educational agency according to the percentage of children from low-income families; and
  2. Serve such eligible school attendance areas in rank order either within each grade-span grouping or within the school district as a whole.
- D. Measures of Identification - The school district will use the best available measure for identifying children from low-income families to identify eligible school attendance areas, determine the ranking of each area and to determine allocations. This measure shall be the number of children ages five through seventeen in poverty counted in the most recent census date, the number of children eligible for free and reduced-price lunches under the National School Lunch Act, the number of children in families receiving assistance under the Aid to Families with Dependent Children program, the number of children eligible to receive medical assistance under the Medicaid program, or a composite of such indicators. This requirement is not applicable if the school district has a total enrollment of less than 1,000 children.
- E. Waiver for Desegregation Plan - The U.S. Secretary of Education may approve the school district's written request for a waiver of the eligible attendance area requirements in accordance with Title I guidelines and regulations.
- F. School District Discretion - In general the school district may:
1. Designate as eligible any school attendance area or school in which at least 35% of the children are from low income families;

**PROGRAM**  
**R 2415**  
**Every Student Succeeds Act**

**M**

**Page 4 of 7**

2. Use Title I funds in a school that is not in an eligible school attendance area, if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of such agency;
  3. Elect not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if:
    - a. The school meets the comparability requirements;
    - b. The school is receiving supplemental funds from other state or local sources; and
    - c. The funds expended from other sources are equal to or exceed the amount that would be provided under Title I.
  4. **SPECIAL RULE:** If a Local Educational Agency (LEA) chooses not to serve an eligible school attendance area, the number of children attending private elementary and secondary schools who are to receive services, and the assistance such children are to receive under this part, shall be determined without regard to whether the public school attendance area in which such children reside receives Title I funds.
- G. Allocations: In general:
1. The school district will allocate Title I funds to eligible school attendance areas or eligible schools, in rank order, on the basis of the total number of children from low-income families in each area or school.
  2. The per-pupil amount of funds allocated to each school attendance area or school shall be at least 125% of the per pupil amount of funds the school district received for that year under the poverty criteria described by the school district's plan. This will not apply if the school district only serves schools in which the percentage of such children is 35% or greater.
  3. The school district may reduce the amount of funds allocated for a school attendance area or school by the amount of any supplemental state and local funds expended in that school attendance area or school for programs that meet the requirements for school-wide or target assistance schools.
  4. The school district will reserve Title I funds as necessary to provide services comparable to those provided to children in schools funded with Title I funds to serve:



- a. Where appropriate, eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters;
  - b. Children in local institutions for neglected or delinquent children; and
  - c. Where appropriate, neglected and delinquent children in community day school programs.
- H. Children Enrolled in Private Schools - The school district will offer Title I services to eligible children enrolled in private elementary and secondary schools. The services and benefits will be equitable in comparison to services and benefits for participating public school children. The school district will contact the private school in writing and consult with private school officials before the school district makes any decision that affects the private school children. This consultation shall include the following:
1. Criteria for low income;
  2. How the children's needs will be identified;
  3. What services will be offered;
  4. How and where the services will be provided; and
  5. How the services will be assessed and the size and scope of equitable services to be provided to the eligible private school children and the proportion of funds allocated for such services.
- The school district will keep records of the consultation with the private school officials and funds will be allocated to private schools in accordance with Title I guidelines and regulations.
- I. Coordination Requirements - The school district will provide the State Department of Education assurances that it will provide the maximum coordination between the Title I program, the regular school program and services provided by other programs for specialized populations. The Title I program will consider the special needs of homeless children, migrant children, disabled children and Limited English Proficient (LEP) children. Title I funds will be reserved so that migrant children who are otherwise eligible to receive Title I service, even if they arrive in the school year, are served.
- J. Application Procedures - The school district may apply for Title I funds under Basic Grants, Concentration Grants and Local Neglected or Delinquent (N or D) Grants either individually or cooperatively with other school districts in accordance with Title I guidelines and regulations.

- K. Submission of Application - The school district will submit its Title I application and supporting information in accordance with Title I guidelines and regulations.
- L. Application Review - The Department of Education will review the school district's application in accordance with Title I guidelines and regulations.

#### Fiscal Requirements

- A. The amount of funds the school district may be entitled to is based on the school district formula count as indicated in the Title I guidelines and regulations. The school district will use Title I funds for projects designed to provide supplemental services to meet the special educational needs of educationally deprived children at the preschool, elementary and secondary school levels. Title I funds will only be used to pay for authorized activities as indicated in the school district's application and plan and as provided for in the Title I guidelines and regulations.
- B. Utilization - The school district may use Title I funds for projects designed to provide supplemental services to meet the special education needs of educationally deprived children at the preschool, elementary and secondary school levels. Funds will be used and the funds will only pay for Title I activities in accordance with Title I guidelines and regulations.
- C. Maintenance Of Effort - The school district may receive the full Title I allocation if the State Department of Education determines that either the school district's per pupil expenditures or aggregate expenditures of State and local funds for free public education in the preceding year were not less than 90% of the expenditures for the second preceding year. The school district's allocation will be reduced by the exact percentage that the school district failed to meet the 90% level.
- D. Comparability of Services - Title I funds will be used only to supplement the district's regular programs and will not be used to supplant state and local funds received by this district. The school district will use state and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance. Moreover, state and local funds will be used to provide comparable services in all schools receiving Title I assistance.

In order to achieve comparability of services, the Board directs the Superintendent to assign teachers, administrators, and auxiliary personnel and to provide curriculum materials and instructional supplies to schools and classes in such a manner as to ensure equivalence throughout the district in professional services and educational materials.

Title I services provided to private school pupils will be equivalent to those provided to public school pupils.

- E. Supplement - The school district will use Title I funds to supplement, and to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-federal sources for the education of pupils participating in Title I programs and projects.
- F. Capital Expenses - The school district may apply to the State Department of Education for costs associated with capital expenses incurred to provide equitable services for eligible private school children.
- G. Property - Property acquired through Title I funds for use in public or private schools will be acquired in accordance with the Public School Contracts Law, will be held in title by the Board of Education, and will not be used for other purposes so long as it is required in the Title I program. Property no longer required for Title I purposes will be used for other, similarly funded projects or disposed of in accordance with state and federal guidelines.

20 U.S.C.A. 3801 et seq.

34 C.F.R. Part 200

20 U.S.C.A. 6301 et seq.

Title I Program Guidelines, New Jersey Department of Education

In Effect: November 6, 2007

Reviewed: April 29, 2014

Reviewed:

## **2415.02 TITLE I – FISCAL RESPONSIBILITIES**

The Board of Education will comply with the requirements of the Elementary and Secondary Education Act (ESEA) of 1965 (20 U.S.C. 2701 et seq.) as amended by the Every Student Succeeds Act (ESSA).

### Maintenance of Effort

To be in compliance with the requirements of the ESEA as amended by the ESSA the Board of Education will maintain either a combined fiscal effort per pupil or aggregate expenditures of State and local funds with respect to the provision of the free public education by the Local Education Agency (LEA) for the preceding fiscal year that is not less than ninety percent of the combined fiscal effort per pupil or the aggregate expenditures for the second preceding fiscal year.

### Comparability with Multiple Schools

To be in compliance with the requirements of the ESEA as amended by the ESSA, the Board of Education directs the Superintendent to assign teaching staff members, administrators, and auxiliary personnel to the schools in such a way that the equivalence of personnel is ensured among schools. The school district will ensure that State and local funds are used to provide comparable services for Title I and non-Title I schools.

### Comparability of Materials and Supplies

To be in compliance with the requirements of the ESEA as amended by the ESSA, the Board of Education directs the Superintendent to distribute curriculum materials and instructional supplies to the schools in such a way that the equivalence of such material is ensured among schools.

### Supplement, Not Supplant

Grant funds provided under Federal programs, including the ESEA as amended by the ESSA, shall supplement, not supplant the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of pupils participating in programs assisted under the ESEA as amended by the ESSA.

Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as amended by the Every Student Succeeds Act.

Approved: November 20, 2007  
Reviewed: March 13, 2014  
First Reading: April 6, 2021  
Second Reading:

**2415.05 PUPIL SURVEYS, ANALYSIS**  
**AND/OR EVALUATIONS**

The Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. §1232h; 34 CFR Part 98) applies to school districts that receive funding from the United States Department of Education.

Consent

PPRA requires written consent from parent of unemancipated minor pupils and pupils who are eighteen years old or emancipated minor pupils before such pupils are required to participate in a survey, analysis, or evaluation funded in whole or in part by a program of the United States Department of Education that concerns one or more of the following eight areas referred to as “protected information surveys”:

1. Political affiliations or beliefs of the pupil or pupil’s parent;
2. Mental or psychological problems of the pupil or pupil’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as with lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the pupil or parents; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

This consent requirement also applies to the collection, disclosure or use of pupil information for marketing purposes, referred to as “marketing surveys,” and for certain physical examinations and screenings.

Prior approval of the Superintendent is required for all other surveys on topics not listed. Anyone seeking approval of a proposed survey must provide the superintendent with details of the survey methodology, its specific educational purpose and a description of how the results will be disseminated and applied.

For all surveys the identity of the respondent shall remain confidential.

**“Opt a Pupil Out” Notice**

The parents of unemancipated minor pupils and pupils who are eighteen years old or emancipated minor pupils will be provided an opportunity to opt out of participating in:

1. The collection, disclosure, or use of personal information obtained from pupils for marketing, to sell, or otherwise distribute information to others;
2. The administration of any other “protected information survey” not funded in whole or in part by the United States Department of Education; and
3. Any non-emergency, invasive physical examination required as a condition of attendance, administered by the school district or its agents, and not necessary to protect the immediate health and safety of a pupil, except for hearing, vision, scoliosis screenings, or any physical examination or screening permitted or required under State law.

**Inspection**

The parents of unemancipated minor pupils and pupils who are eighteen years old or emancipated minor pupils, upon request and before administration or use, have the right to inspect:

1. Protected information surveys of pupils;
2. Instruments used to collect personal information from pupils for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

The Superintendent or designee shall be responsible for obtaining the consent, annual direct notification to parents and eligible pupils at the start of each school year and after any substantive changes of the “opt a pupil out” rights and the inspection rights provisions of PPRA and this Policy.

The “opt a pupil out” notice shall include any specific or approximate dates of the activities eligible for a pupil to “opt out.”

**PPRA Consent/Opt Out Violations**

The Superintendent may develop regulations to implement this policy that include reasonable timelines for parents/guardians to access and review surveys as prescribed by law, and arrangements to protect pupil privacy in the administration of a survey.

This policy and the regulations shall be made available to the public, to parents / guardians and to district staff. The public shall be informed within a reasonable period of time if substantive change is made to this policy and regulations. The public shall also be informed of specific or approximate dates, if known, when surveys may be administered.

Parents or pupils who believe their rights under PPRA may have been violated may file a complaint with United States Department of Education.

The Protection of Pupil Rights Amendment (PPRA)

(20 U.S.C. §1232h; 34 CFR Part 98)

Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) as amended by the Every Student Succeeds Act.

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First Reading: April 6, 2021

Second Reading:

## **2415.20 EVERY STUDENT SUCCEEDS ACT COMPLAINTS**

The Every Student Act (ESSA) reauthorized the Elementary and Secondary Education Act of 1965 (ESEA). A Board of Education shall adopt a policy and written procedures for resolving a written complaint presented by an individual or organization that alleges violations in the administration of the ESSA programs as identified by the New Jersey Department of Education (NJDOE).

Policy and Regulation 2415.20 set forth the requirements for resolving complaints presented by any individual or organization that:

1. A school, school district, other agency authorized by the school district, or by the NJDOE violated the administration of education programs authorized by the ESEA as amended by the ESSA ; and/or
2. The NJDOE violated the administration of education programs required by the ESEA as amended by ESSA.

Complaints regarding nonpublic school officials alleging school district noncompliance must pertain to at least one of the following three specific reasons:

1. The school district did not engage in consultation that was meaningful and timely;
2. The school district did not give due consideration to the views of the nonpublic school officials; or
3. The school district did not make a decision that treats the nonpublic school or its pupils equitable and in accordance with ESEA Section 1117 or Section 8501.

A Complaint shall be written and must identify, at a minimum, the alleged ESEA violation; a description of previous steps taken to resolve the matter; the facts supporting the alleged violation as understood by the complainant at the time of submission; and any supporting documentation.

A complaint alleging a school in the district, school district, or other agency authorized by the school district, or the NJDOE violated the administration of a program must be submitted to the Superintendent or designee. The Superintendent or designee shall be responsible to coordinate the investigation of the complaint. The Superintendent or designee shall submit a written report regarding the outcome of the investigation to the complainant.



**PROGRAM**  
**2415.20**  
**Every Student Succeeds Act Complaints**  
***Regulations Follow***

**M**

**Page 2 of 2**

If the complainant is not satisfied with the outcome of the investigation by the school district, the complainant must submit a written complaint to the Executive County Superintendent for the county where the school district is located. This process does not apply to alleged violations concerning participation of nonpublic school children.

The Executive County Superintendent will coordinate the investigation of a complaint. When the investigation is complete, the Executive County Superintendent will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the Executive county Superintendent will identify and impose the appropriate consequences or corrective action in accordance with statute and/or regulation to resolve the complaint. . If the complainant is not satisfied with the determination that is made by the Executive County Superintendent, the complainant may submit a written request for review of that determination to the Assistant Commissioner.

A complaint alleging the NJDOE violated the administration of a program must be submitted to the designated New Jersey Department of Education Assistant Commissioner. The appropriate NJDOE Office assigned by the Assistant Commissioner will coordinate the investigation of a complaint. When the investigation is complete, the Assistant Commissioner will notify the complainant in writing regarding the outcome of the investigation. If it is determined a violation has occurred, the Assistant Commissioner will identify and impose the consequences or corrective actions as required by statute and/or regulation to resolve the complaint.

If a complainant does not agree with the NJDOE's decision, the complainant may appeal to the Secretary of the United States Department of Education.

To initiate a complaint regarding participation of nonpublic school children, a complainant must submit a written complaint to the NJDEO Nonpublic Ombudsman in accordance with NJDOE procedures.

New Jersey Department of Education | Elementary and Secondary Education Act (ESEA) Complaint Policy and Procedure

Approved: November 6, 2007  
Reviewed: March 13, 2014  
First Reading: April 6, 2021  
Second Reading:

## **R 2415.20 EVERY STUDENT SUCCEEDS ACT COMPLAINTS**

The Every Student Succeeds Act (ESSA) required that the Board of Education to adopt a policy and written procedures that offer parent(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging violations in the administration of the ESSA programs.

- A. Complaint Procedure alleging a Violation by a School, School District, or Other Agency Authorized by the School District
  1. A complaint is a written allegation submitted in writing (mail or email) by an individual or organization that a school, school district, or other agency authorized by the school district has violated the law in the administration of education programs required by the ESSA Act.
  2. A complaint must identify at a minimum the following:
    - a. The alleged ESSA violation;
    - b. a description of previous steps taken to resolve the matter;
    - c. The facts supporting the alleged violation as understood by the complainant at the time of submission; and
    - d. Any supporting documentation (e.g. letters, emails, logs, agenda, meeting minutes).
  3. A complaint must be submitted to the Executive County Superintendent for the county where the school, school district, or other authorized agency is located.
  4. When a written complaint is received by the Executive County Superintendent, the Executive County Superintendent will issue a Letter of Acknowledgement to the complainant within ten calendar days of receipt of the complaint. This letter shall contain the following information:
    - a. The date the complaint was received;
    - b. A brief statement of the manner in which the Executive County Superintendent will investigate the complaint;
    - c. If necessary, a request for additional information regarding the complaint;

**PROGRAM**  
**R 2415.20**  
**Every Student Succeeds Act Complaints**

**M**

**Page 2 of 4**

- d. A resolution date within forty-five calendars days from the date the written complaint was received by the Executive County Superintendent; and
    - e. The name and phone number of a contact person for status updates.
  5. The Executive County Superintendent will coordinate the investigation of a complaint.
  6. When the investigation is complete, the Executive County Superintendent will notify the complainant in writing regarding the outcome of the investigation.
    - a. If the Executive County Superintendent determines a violation has occurred, the Executive County Superintendent will identify and impose the appropriate consequences or corrective actions as required in accordance with statute and/or regulation to resolve the complaint.
    - b. If the complainant is not satisfied with the determination that is made by the Executive County Superintendent, the complainant may submit a written request for review of that determination to the Assistant commissioner, Division of Learning Supports and Specialized Services via email at [essa@doe.nj.gov](mailto:essa@doe.nj.gov) with subject line “ESEA Complaint Decision review” or via hard copy at the following address:

New Jersey Department of Education  
Assistant Commissioner Division of Learning Supports and  
Specialized Services  
P.O. Box 500  
Trenton, New Jersey 08625-0500
- B. Complaint Procedure Alleging a Violation by the New Jersey Department of Education (NJDOE)
  1. A complaint is a written allegation the NJDOE has violated the law in the administration of education programs required by the ESSA.
  2. A complaint must identify at a minimum the following:
    - a. The alleged ESSA violation;
    - b. a description of previous steps taken to resolve the matter;

**PROGRAM**  
**R 2415.20**  
**Every Student Succeeds Act Complaints**

**M**

**Page 3 of 4**

- c. The facts supporting the alleged violation as understood by the complainant at the time of submission; and
  - d. Any supporting documentation (e.g. letters, emails, logs, agenda, meeting minutes).
3. To initiate a complaint alleging the NJDOE has violated the administration of an ESEA program, a complainant must submit a written complaint to the New Jersey Department of Education - Assistant Commissioner, division of Learning Supports and Specialized Services via email at [essa@doe.nj.gov](mailto:essa@doe.nj.gov) with the subject line "ESEA Complaint or via hard copy sent to the following address:  

New Jersey Department of Education  
Assistant Commissioner Division of Learning Supports  
and Specialized Services  
P.O. Box 500  
Trenton, New Jersey 08625-0500
4. When a written complaint is received by the NJDOE, an Assistant Commissioner will assign the investigation of this complaint to the appropriate office. The NJDOE will issue a Letter of Acknowledgement to the complainant within ten calendar days of receipt of the complaint. This letter shall contain the following information:
  - a. The date the complaint was received;
  - b. A brief statement of the manner in which the NJDOE will investigate the complaint;
  - c. If necessary, request for additional information regarding the complaint;
  - d. A resolution date within forty-five calendar days from the date the complaint was received; and
  - e. The name and telephone number of a contact person for status updates.
5. The NJDOE office assigned by the Assistant Commissioner to investigate a complaint concerning an alleged violation by the NJDOE will coordinate the investigation of the complaint. When the investigation is complete, the Assistant Commissioner will notify the complainant in writing regarding the outcome of the investigation.
  - a. If the NJDOE office assigned by the Assistant Commissioner of Education determines a violation by the NJDOE has occurred after conducting an investigation, the Assistant Commissioner will identify and impose appropriate consequences or corrective action in accordance with the statute and/or regulation to resolve the complaint.

**PROGRAM**  
**R 2415.20**  
**Every Student Succeeds Act Complaints**

**M**

**Page 4 of 4**

- b. If the complainant is not satisfied with the NJDOE's decision, the complainant may request a review of the NJDOE's decision to the Secretary of the United States Department of Education (USDOE). The complainant may send the request, reasons supporting the request, and a copy of NJDOE's resolution to the following address:

Secretary, United State Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4611

New Jersey Department of Education – Every Student Succeeds Act (ESSA) in New Jersey ESEA  
Complaint Policy and Procedures

In Effect: November 6, 2007  
Reviewed: March 13, 2014  
Revised:

## **4125 EMPLOYMENT OF SUPPORT STAFF MEMBERS**

The Board of Education believes it is vital to the successful operation of the school district that support staff member positions be filled with highly qualified and competent professionals.

In accordance with the provisions of N.J.S.A. 18A:27-4.1, the Board shall appoint, transfer, remove, or renew a certificated or non-certificated officer or employee only upon the recommendation of the Superintendent of Schools and by a recorded roll call majority vote of the full membership of the Board. The Board shall not withhold its approval for arbitrary and capricious reasons. The Board shall approve the employment, fix the compensation, and establish the term of employment for every support staff member employed by this district.

The Board may employ substitutes and/or contract for substitutes for absent support staff members in order to ensure continuity in a program. The Board will annually approve a list of substitutes and rate of pay and/or the Board will approve a contract for a contracted service provider to provide substitute support staff members.

The Board of Education shall not employ for pay or contract for the paid services of any support staff member or any other person serving in a position which involves regular contact with pupils unless the Board has first determined consistent with the requirements and standards of N.J.S.A. 18A:6-7.1 et seq. that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify the individual from being employed or utilized in such capacity or position.

An individual employed by the Board or a school bus contractor holding a contract with the Board, in the capacity of a school bus driver, shall be required to meet the criminal history record requirements as outlined in N.J.S.A. 18A:39-19.1.

The Board will employ paraprofessional school aides and/or classroom aides to assist in the supervision of pupil activities under the direction of a Principal, teacher, or other designated certified professional personnel. Aides will serve the needs of pupils by performing nonprofessional duties and may work only under the direct supervision of a teaching staff member(s).

In accordance with the requirements of the Every Student Succeeds Act (ESSA), paraprofessionals hired after January 8, 2002, who work in a program supported with Title I, Part A funds, with certain exceptions, must meet one of the following criteria:

1. Completed at least two years of study at an institution of higher education;
2. Obtained an associate's (or higher) degree; or

**SUPPORT STAFF MEMBERS**  
**4125**  
**Employment of Support Staff Members**

**M**

**Page 2 of 2**

3. Met a rigorous standard of quality and be able to demonstrate, through a formal State or local academic assessment, knowledge of and the ability to assist in instructing, reading, writing, and mathematics (or, as appropriate, reading readiness, writing readiness, and mathematics readiness).

Paraprofessional staff working in a Title I school, and whose salary is paid for in whole or in part with Title I funds, must meet one of the criteria listed above. The Superintendent or designee will ensure paraprofessionals working in a program supported with Title I funds meet the above stated requirements.

An individual employed by the Board in any substitute capacity or position shall be required to undergo a criminal history record check in accordance with the provisions of N.J.S.A. 18A:6-7.1b.

An individual, except as provided in N.J.S.A. 18A:6-7.1g, shall be permanently disqualified from employment or service in the school district if the criminal history record check reveals a record of conviction for any crime or offense as defined in N.J.S.A. 18A:6-7.1 et seq.

The Board or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history record check if the Board or contracted service provider demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment as prescribed in N.J.S.A. 18A:6-7.1c. In the event the criminal history record check is not completed for an emergent hired employee within three months, the Board or contracted service provider may petition the Commissioner for an extension of time, not to exceed two months, in order to retain the employee.

No criminal history record check shall be performed unless the applicant shall have furnished written consent to such a check. The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check. The district will deny employment to an applicant if the applicant is required and refuses to submit to a criminal history record check.

A support staff member's misstatement of fact material to his/her qualifications for employment or the determination of his/her salary will be considered by the Board to constitute grounds for dismissal.

N.J.S.A. 18A:6-5; 18A:6-6; 18A:6-7.1; 18A:6-7.1b; 18A:6-7.1c; 18A:6-7.2;  
18A:16-1 et seq.; 18A:26-1 et seq.; 18A:27-1 et seq.; 18A:27-4.1;  
18A:27-7; 18A:27-8; 18A:39-19.1

Approved: May 4, 2004  
Revised: November 20, 2007  
Revised: February 28, 2017  
First Reading: April 6, 2021  
Second Reading:

## **7425 LEAD TESTING OF WATER IN SCHOOLS**

The health, safety, and welfare of the children in the school district are of utmost importance to the Board of Education. The potential exposure to lead-contaminated drinking water poses serious health problems, particularly for children, as well as for teachers and school personnel, since the risk of lead contamination can come from pipe and plumbing fixtures in school facilities or on school grounds. The Board shall assure the availability of potable drinking water through sanitary means in school facilities or on school grounds. The Board of Education shall provide, in accordance with N.J.A.C. 6A:26-12.4, testing for lead in all district sources of drinking water.

The Board shall conduct lead sampling and analysis in all drinking water outlets to which a student or staff member has, or may have, access in each school facility, other facility, or temporary facility, as soon as practicable, but no later than July 13, 2017, unless the district qualifies for an exemption in accordance with N.J.A.C. 6A:26-12.4(j). This lead sampling and analysis shall be conducted with a lead sampling plan in accordance with N.J.A.C. 6A:26-12.4(d)1, 2, and 3, and shall be in accordance with the Safe Drinking Water Act, N.J.S.A. 58:12A-1.

The Superintendent of Schools or designee shall complete a review of the final laboratory results within seventy-two hours of receipt. Within twenty-four hours after the Superintendent or designee has completed a review of final laboratory results in accordance with the provisions of N.J.A.C. 6A:26-12.4(e), the test results shall be made publicly available at the school facility and on the district website. If any results exceed the permissible lead action level, the Board shall provide written notification to the parents of all pupils attending the facility, facility staff, and the New Jersey Department of Education. This written notification shall include: a description of the measures taken by the Superintendent or designee to immediately end the use of each drinking water outlet where the water quality exceeded the permissible lead action level; any additional remedial action taken or planned by the Board of Education; the measures taken to ensure that alternate drinking water has been made available to all pupils and staff members; where the water outlet(s) is located; and information regarding the health effects of lead in accordance with N.J.A.C. 6A:26-12.4(e)1 and 2.

Notwithstanding the results or date of any prior testing, the Board shall continue to test drinking water outlets in the designated Statewide required testing year, which shall be every third school year beginning with the 2021-2022 school year and subsequently occurring in the 2024-2025 school year. By no later than June 30 of the designated Statewide required testing year, the Board shall test all drinking water outlets in accordance with N.J.A.C. 6A:26-12.4(g)1. The Board shall sample for lead after the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet, in accordance with N.J.A.C. 6A:26-12.4(g).



The Board shall submit to the New Jersey Department of Education by June 30 of each year a statement of assurance, that the school district completed lead testing in accordance with N.J.A.C. 6A:26-12.4; that notifications were provided consistent with N.J.A.C. 6A:26-12.4; and that alternative drinking water continues to be made available to all pupils and staff, if necessary, pursuant to N.J.A.C. 6A:26-12.4(i).

The Board may apply for reimbursement for the costs of any water supply testing and analysis conducted, in accordance with N.J.A.C. 6A:26-12.4(k).

N.J.S.A. 58:12A-1 et seq.  
N.J.A.C. 6A:26-12.4

First Reading: April 6, 2021  
Second Reading:  
Adopted: