FOREWORD

The Board of Education has authorized the Superintendent to promulgate administrative regulations except where approval by the Board is required by statute or administrative code for the orderly operations of the Little Ferry School District that are binding on all students, employees, and visitors to the district.

These administrative regulations are intended to give direction to staff members in carrying out Board policies, statutory mandates, and contractual obligations. The operations directed by these regulations should be efficient, amenable to assessment, and considerate of the needs and rights of students and employees. Any suggestions for additions or improvements that help attain these objectives are welcome.

These regulations apply to the entire school district. Principals may establish additional rules as necessary to apply these regulations to their school, provided that school rules do not exceed the authority set forth in these regulations.

These regulations will be made available to each employee. Employees and students who violate these regulations are subject to disciplinary action.

R 1000 ADMINISTRATION

Number	Title
R 1240	Evaluation of Superintendent (M)
R 1330	Evaluation of School Business Administrator (M)
R 1400	Job Descriptions (M)
R 1510	Americans with Disabilities Act (M)
R 1530	Equal Employment Opportunity Complaint Procedure (M)
R 1550	Equal Employment/Anti-Discrimination Practices (M)
R 1570	Internal Controls (M)
R 1581	Domestic Violence (M)
R 1613	Disclosure and Review of Applicant's Employment History (M)
R 1642	Earned Sick Leave Law (M)

R 1240 EVALUATION OF SUPERINTENDENT

A. Roles and Responsibilities for the Implementation of the Annual Evaluation Policy and Procedures

1. The Board of Education and the Superintendent will develop and the Board will adopt a job description and evaluation criteria for the Superintendent's position based upon the Board's local goals, program objectives, policies, instructional priorities, State goals, statutory requirements, and the functions, duties, and responsibilities of the Superintendent.

2. The Superintendent shall have primary responsibility for data collection and reporting methods appropriate to the job description.

3. The Board President, or the Board President's designee, shall oversee the annual evaluation of the Superintendent.

4. The Board President shall establish timelines for completion of the annual evaluation of the Superintendent.

B. Annual Summary Conference

1. The Board of Education shall conduct an annual summary conference with the Superintendent to develop and prepare an annual performance report.

2. The annual summary conference between the Board of Education, with a majority of its total membership present, and the Superintendent shall be held before the annual performance report is prepared and filed.

3. The Superintendent shall submit to all Board members any information, documents, statistics, or any other data or information he/she would like for the Board members to consider at the annual summary conference.

4. The Board President, or the Board President's designee, shall preside over the Board's annual summary conference meeting.

5. The conference shall be held in executive session, unless the Superintendent requests it be held in public. The conference shall include, but not be limited to, review of the following:

a. Performance of the Superintendent based upon the Board approved job description;

b. Progress of the Superintendent in achieving and/or implementing the school district's goals, program objectives, policies, instructional priorities, State goals, and statutory requirements; and

c. Indicators of student progress and growth toward program objectives.

C. Annual Performance Report

1. The annual performance report shall be prepared and approved by a majority of the Board of Education's total membership by July 1 and shall include, but not be limited to:

a. Performance area(s) of strength;

b. Performance area(s) needing improvement based upon the job description and evaluation criteria set forth in N.J.A.C. 6A:10-8.1(c)2;

c. Recommendations for professional growth and development;

d. Summary of indicators of student progress and growth, and a statement of how the indicators relate to the effectiveness of the overall program and the Superintendent's performance; and

e. Provision for performance data not included in the report to be entered into the record by the Superintendent within ten teaching staff member working days after the report's completion.

2. The Board President, or the Board President's designee, shall prepare a draft of the annual performance report after the annual summary conference.

3. The draft of the annual performance report shall be disseminated to all Board members for review and comment before presenting the draft report to the Superintendent.

a. In the event a Board member believes a provision(s) of the draft of the annual performance report is not in accord with the provisions agreed to by a majority of the Board during the annual summary conference, the Board member shall submit in writing their proposed revision(s) to the drafter of the annual performance report. The draft of the annual performance report may be revised by the drafter of the report if the drafter agrees with the Board member's proposed revision. In the event the drafter does not agree with the proposed revision(s), the issue shall be presented to the full membership of the Board of Education in executive session to make a final determination.

4. The draft of the annual performance report shall be presented to the full membership of the Board of Education in executive session for discussion and approval after the draft report has been disseminated to all Board members for review. The Superintendent shall receive a copy of the draft of the annual performance report from the Board President, or Board President's designee, prior to the executive session where the Board is scheduled to discuss and approve.

5. In the event the Superintendent does not agree with a provision(s) in the draft of the annual performance report, the Superintendent shall be provided an opportunity to discuss with the full membership of the Board reconsideration of the disputed provision(s).

6. A majority of the Board's full membership shall approve the draft of the annual performance report before presenting the final annual performance report to the Superintendent.

7. The Superintendent may submit a written response to the final annual performance report, which shall be attached to the report.

D. Nontenured Superintendent of Schools

1. The evaluation procedure for a nontenured Superintendent shall also be completed by July 1 each year.

Adopted: 27 August 2020

R 1330 EVALUATION OF SCHOOL BUSINESS ADMINISTRATOR

A. Frequency of Evaluation

The Superintendent will evaluate the performance of the School Business Administrator annually.

B. Purpose

The evaluation of the School Business Administrator shall be for the purpose of:

1. Promoting professional excellence and improving the skills of the School Business Administrator;

2. Improving the effectiveness and efficiency of the financial management system;

3. Reviewing the performance of the School Business Administrator against specific criteria developed by the Superintendent in consultation with the Board.

C. Evaluation Criteria

1. Criteria for the evaluation of the School Business Administrator will be based upon the job description and will relate directly to each of the tasks described. Each criteria will be brief and will focus on a major function of the position, be based on observable information rather than factors requiring subjective judgment, and be written in a consistent format.

2. The Board shall develop and approve criteria for the evaluation which will be reviewed as necessary and as requested by the School Business Administrator but not less than annually, and upon any revision of the School Business Administrator's job description. Any proposed revision of the evaluation criteria will be provided to the School Business Administrator for comment before its adoption, and a copy of the adopted revision shall be provided to the School Business Administrator within ten working days of its adoption.

3. On or about April 1, the Superintendent will complete a written evaluation of the School Business Administrator.

4. Upon completion, the Superintendent will provide a copy of the evaluation to the School Business Administrator.

5. The Superintendent and School Business Administrator will meet for an Annual Summary Conference to discuss the evaluation, establish a plan for performance, improvement, and growth.

6. An opportunity will be provided for the School Business Administrator to enter performance data not included in the annual performance report and to respond to any commentary in the written evaluation.

D. Collection and Reporting of Evaluation Data

Data for the evaluation of the School Business Administrator will be gathered by any one or more of the following methods:

1. Direct observation;

2. Review of a document produced by the School Business Administrator in the performance of his/her assigned duties;

3. Interviews with the School Business Administrator by the Superintendent regarding his/her knowledge of assigned duties;

4. Paper and pencil instruments (such as competency tests, staff surveys, and the like);

5. A review of the School Business Administrator's performance by an outside observer (such as the district auditor);

6. Audio-visual monitoring of the School Business Administrator in the performance of assigned duties; and

7. Reference to previous performance reports.

E. Preparation of Written Evaluation Report

An annual written performance report shall be prepared by the Superintendent. The report will include, but need not be limited to:

1. Performance areas needing improvement;

2. A plan for professional growth and development; and

3. Provision for performance data not included in the report which may be entered into the report by the School Business Administrator within five working days after the completion of the report.

F. Conduct of Annual Performance Conference

1. An annual summary conference with the School Business Administrator will be conducted by the Superintendent before the annual performance report is filed.

2. The conference shall include but need not be limited to:

   a. A performance review based upon achieving and implementing, as applicable, the district's goals, program objectives, policies, priorities, and statutory requirements;

   b. A review of the most recent audit report; and

   c. Growth toward the performance objectives established in the previous performance conference.

3. The purpose of the annual performance conference shall be to provide a total review of the year's work, to identify strategies for improvement where necessary, to recognize achievement and good practice, and to specify a plan for professional growth and development. Adequate time shall be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.

4. The annual performance report will be signed by the Superintendent at the time of the annual performance conference and by the School Business Administrator within five working days of that conference. It will be filed in the School Business Administrator's personnel file, and a copy will be provided to him/her.

5. It will be the duty of the School Business Administrator to implement the plan for professional growth as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

Issued: 27 August 2020

R 1400 JOB DESCRIPTIONS

A. A job description shall be prepared for each job position in the district, including all administrative, educational specialist, instructional, and support staff positions.

B. Each job description must include:

1. The goals of the position as they relate to district goals;

2. The qualifications of the position holder including the certificate and endorsement required for the position and such other prerequisites for employment as the possession of a license to operate a vehicle or machine;

3. The functions, duties, and responsibilities of the position;

4. The extent and limits of the position holder's authority; and

5. The working relationships of the position within and outside the school district.

C. Each job description will:

1. Be written in clear language that briefly describes the major functions of the position;

2. Whenever possible, be generic in form, covering a number of specific positions;

3. Be written in the same format, using the active and present tense, operational verbs, common terminology, and a direct, simple style; and

4. Be gender neutral or employ both male and female pronouns.

D. Maintenance of district job descriptions shall be the responsibility of the Board office. Job descriptions shall be reviewed on the request of a single position holder.

E. Each employee shall be sent a copy of his/her current job description by the Board office. Any revision of a job description shall be provided to each holder of a position covered by the job description within ten working days of its approval.

F. Suggested revisions to job descriptions by a job holder shall be referred initially to the job holder's immediate supervisor.

Adopted: 27 August 2020

R 1510 AMERICANS WITH DISABILITIES ACT

The Board of Education will comply with the requirements of the Americans with Disabilities Act of 1990, including changes made by the ADA Amendments Act of 2008 (hereafter referred to as the "Act.")

A. Definitions

1. "Act" means the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008.

2. "Auxiliary aids and services" are identified based on the context of the communication and the individual's disability. 28 CFR §35.104

   They include, but are not limited to:

   a. Effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

   b. Effective methods of making visually delivered materials available to individuals who are blind or have low vision;

   c. Acquisition or modification of equipment or devices or similar services and actions; and

   d. Other similar services and actions.

3. "Board" means the Board of Education of this school district.

4. "Companion" means a family member, friend, or associate of an individual seeking access to a service, program, or activity of a school district, who, along with such individual, is an appropriate person with whom the district should communicate.

5. "Complete complaint" means a written statement, signed by the complainant or someone authorized to do so on his/her behalf, containing the complainant's name and address and describing the public entity's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation. 28 CFR §35.104

6. "Current illegal use of drugs" means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real and ongoing problem.

7. "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. 28 CFR §35.139

8. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:

   a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

   b. A record of such an impairment; or

   c. Being regarded as having such an impairment.

9. "District" means this school district.

10. "District Coordinator" means the district official responsible for the coordination of activities relating to compliance with the Act.

11. "Drug" means a controlled substance, as defined in schedules I through V of Section 202 of the Controlled Substances Act. 21 U.S.C. §812

12. "Employee" means an individual employed by the Board.

13. "Essential functions of the employment position" are based upon the employer's judgment and can include an employer's written description, prepared before advertising or interviewing applicants for the job.

14. "Existing facility" means a facility in existence on any given date, newly constructed or altered.

15. "Facility" means all or any portion of buildings, property, or structures, including the site where the building, property, structure, or equipment is located.

16. "Illegal use of drugs" means the use of one or more drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. 21 U.S.C. §812

17. "Individual with a disability" means a person who has a disability and does not include an individual currently engaging in the illegal use of drugs, when the district acts on the basis of such use.

18. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, reaching, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also includes physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105

19. "Mitigating measures" means steps taken to eliminate or reduce the symptoms or impact of an impairment. "Mitigating measures" include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102

    a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.

20. "Office for Civil Rights" (OCR) means the United States Department of Education Office for Civil Rights.

21. "Other power-driven mobility device" means any mobility device powered by batteries, fuel, or other engines used by individuals with mobility disabilities for the purpose of locomotion, including any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair. 28 CFR §35.104

22. "Physical or mental impairment" means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4

    a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

    b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.

    c. An impairment that is episodic or in remission may be considered a "disability" if it would substantially limit a major life activity when active.

    d. Not all impairments are disabilities.

23. "Public entity" means this Board of Education.

24. "Qualified individual" for the purposes of employment, means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position (based upon the employer's judgment) that such individual holds or desires. An employer's written description, prepared before advertising or interviewing applicants for the job, shall be considered evidence of the essential functions of the job. 42 U.S.C. 126 §12111(8)

25. "Reasonable accommodation" may include making existing facilities used by employees readily assessable to and usable by individuals with disabilities and job restructuring, part-time modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

26. "Record of such an impairment" means the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

27. "Regarded as having an impairment" means the individual establishes that he or she has been subjected to a prohibited action under the Act because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.

    a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)

    b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of "disability" solely under the "regarded as" prong.

28. "Substantially limits" means the extent to which the impairment limits an individual's ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102(4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits performance of a major life activity include:

    a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.

    b. That it does not demand extensive analysis.

    c. That it substantially limits one major life activity, but not necessarily other major life activities.

d. That it may be episodic or in remission, as long as the impairment would substantially limit a major life activity when active.

e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.

f. That it requires an individualized assessment which does not create an "inappropriately high level of limitation" and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).

g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate evidence that can be considered may include statements or affidavits of affected individuals and school records).

h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.

i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: "actual disability" or "record of".

29. "Undue hardship" means an action requiring significant difficulty or expense when considered in light of factors which include: the nature and cost of the needed accommodation; the overall financial resources of the district or facility providing the reasonable accommodation; the size of the district with respect to the number of employees; effect on expenses and resources, or the impact otherwise of accommodation upon the operation of the facilities; and the type/location of facilities. 42 U.S.C. 126 §12111 (10)

30. "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability.

B. General Requirements

1. Prohibitions Against Discrimination

a. Discrimination is prohibited against a qualified individual on the basis of a disability. Such individual will not be excluded from participation in or denied the benefits of district services, programs, or activities or be subjected to discrimination by the district in accordance with 28 CFR §35.130. The district must ensure that:

(1) When services, programs, and activities are viewed in their entirety, they are accessible to and usable by individuals with disabilities; and

(2) Access to services, programs, and activities is provided in an integrated setting unless separate programs are necessary to ensure equal benefits.

b. The district is not required to take any action that would result in a fundamental alteration of the nature of the program or activity or undue financial or administrative burden. However, claiming undue burden still requires the district to provide access through means that would not result in a fundamental alteration or undue financial or administrative burden.

2. Direct Threat - 28 CFR §35.139

a. The district is not required to permit an individual to participate in or benefit from the district's services, programs, or activities when that individual poses a direct threat to the health or safety of others.

b. To determine whether an individual poses a direct threat to the health or safety of others, the district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence to ascertain:

(1) The nature, duration, and severity of the risk;

(2) The probability that the potential injury will actually occur; and

(3) Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

3. Illegal Use of Drugs - 28 CFR §35.131

a. The district will not discriminate on the basis of past illegal use of drugs against an individual who is not engaging in current illegal use of drugs and who:

(1) Has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully;

(2) Is participating in a supervised rehabilitation program; or

(3) Is erroneously regarded as engaging in such use.

b. While the Act does not prohibit discrimination against an individual based on that individual's current illegal use of drugs, the district will not deny health services or services provided in connection with drug rehabilitation to an individual on the basis of that individual's current illegal use of drugs, if the individual is otherwise entitled to such services.

c. The Act does not prohibit the district from adopting or administering reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual who formerly engaged in the illegal use of drugs is not now engaging in current illegal use of drugs.

C. Personal Devices and Services

1. The district will permit individuals with mobility disabilities to use wheelchairs and manually powered mobility aids such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities in any areas open to pedestrian use. 28 CFR §35.137

2. The district will make reasonable modifications to permit the use of other power-driven mobility devices by individuals with mobility disabilities unless the district can demonstrate that the power-driven device cannot be operated in accordance with legitimate safety requirements pursuant to 28 CFR §35.137. The district will not ask an individual using a wheelchair or other power-driven mobility device questions about the nature and extent of the individual's disability. The district may require the individual to provide credible assurance that the device is required because of the person's disability.

3. The district is not required to provide individuals with disabilities personal devices, such as wheelchairs; individually prescribed devices such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature including assistance in eating, toileting, or dressing pursuant to 28 CFR §35.135.

D. Employment - 42 U.S.C. 126 §12112

1. Discrimination in Employment

a. The Board will not discriminate against a qualified individual on the basis of disability in regard to job application procedures; hiring, advancement, or discharge; compensation; job training; and other terms, conditions, and privileges of employment.

b. Applicants and employees working for or applying to work for the district who qualify for a job and are able to perform the essential functions of that job are entitled to reasonable accommodations provided that such accommodations do not pose undue hardship for the district.

c. Nothing in the Act shall be construed to preempt, modify, or amend any State, county, or local law, ordinance, or regulation as outlined in N.J.A.C. 6A:32-4.1 et seq.

d. The school district may not, on the basis of disability:

(1) Limit, segregate, or classify a qualified individual in a way that adversely affects his/her opportunities or status of such employee, applicant, or participant in a contractual or other arrangement;

(2) Utilize standards, criteria, or methods of administration that have the effect of discrimination on the basis of disability or perpetuate the discrimination of others subject to common administrative control;

(3) Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to associate or have a relationship;

(4) Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual with a disability or deny employment opportunities to such qualified individual unless the district can demonstrate that the accommodation would impose undue hardship to district operations;

(5) Use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out individuals with disabilities unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity; and/or

(6) Select and administer tests concerning employment to otherwise qualified individuals who possess impaired sensory, manual, or speaking skills, unless done in an effective manner to ensure that, when such tests are administered to a job applicant or employee who has a disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the skills, aptitude, or other factors such tests purport to measure rather than reflecting the impaired sensory, manual, or speaking skills of the employee or applicant (except where such skills are the factors that the test purports to measure).

2. Medical Examinations and Inquiries - (42 U.S.C. 126 §12112)

a. Pre-employment

(1) Prohibited examination or inquiries:

(a) Whether such an applicant is an individual with a disability; or

(b) The nature or severity of such disability.

(2) Acceptable inquiry:

(a) The ability of an applicant to perform job-related functions.

b. Employment Entrance Examinations

(1) The district may require a medical examination after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the results of such examination, if:

(a) All entering employees are subject to such an examination regardless of disability;

(b) Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

i. Supervisors and managers may be informed regarding necessary restrictions on work or duties of the employees and necessary accommodations;

ii. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

iii. Government officials investigating compliance with this Act, will be provided relevant information on request.

(2) The results of such examination shall only be used in accordance with these provisions.

c. Examination and Inquiry:

(1) Prohibited examinations and inquiries:

(a) The district will not require a medical examination and will not make inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

(2) Acceptable examinations and inquiries:

(a) The district may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees in the district.

(b) The district may make inquiries into the ability of an employee to perform job-related functions.

3. Defenses - 42 U.S.C. 126 §12113

a. Qualification Standards

(1) It may be a defense to a charge of discrimination under the Act that an alleged application of qualification standards, tests, or selection criteria that screen out, tend to screen out, or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under the Act.

(a) The term "qualification standards" may include a requirement that an individual will not pose a direct threat to the health or safety of other individuals in the workplace.

(b) Notwithstanding 42 U.S.C. 126 §12102 (4)(E)(ii), the Board will not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the covered entity, is shown to be job-related for the position in question and consistent with business necessity.

b. Infectious and Communicable Diseases

(1) In any case in which an individual has an infectious or communicable disease included on the list developed by the United States Secretary of Health and Human Services in accordance with the Act, and which cannot be eliminated by reasonable accommodation, and that is transmitted to others through the handling of food, the Board and its administration may refuse to assign or allow such individual to continue to work in a job involving food handling.

c. Illegal Use of Drugs and Alcohol - 42 U.S.C. 126 §12114

(1) An individual with a disability shall not include any employee or applicant who is currently engaging in the illegal use of drugs, with exceptions noted in section B.3. of this Regulation.

(2) The Board will hold an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior as other employees, even if any unsatisfactory performance or behavior is related to the drug use or alcoholism of such employee.

d. Drug Testing

(1) For the purposes of the Act, a test to determine the illegal use of drugs will not be considered a medical examination.

(2) No provision of the Act shall be construed to encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drugs by job applicants or employees or making employment decisions based on such test results.

E. Program Accessibility

1. Discrimination Prohibited

a. Except as otherwise provided in 28 CFR §35.150, no qualified individual with a disability will, because the district's facilities are inaccessible to or unusable by individuals with disabilities, including inside or outside access to such facilities, may be excluded from participation in, or be denied the benefits of the services, programs, or activities of the district, or be subjected to discrimination by the district.

b. The district will maintain facilities and equipment required by the Act to be readily accessible to and usable by individuals with disabilities. This provision does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 CFR §35.133

(1) In regard to existing facilities, the district will operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities.

(a) The district is not required to fundamentally alter the nature of a service, program, or activity, or assume undue financial or administrative burdens, or take any action threatening the historic significance of a historic property and has the burden of proving that compliance with the Act would result in such alterations or burdens. 28 CFR §35.150(a)

(b) Should the Board and Superintendent of Schools or his/her designee determine, after considering all resources available, that compliance would result in such alteration or burden, a written statement of reasons must accompany such a determination.

(c) The Board will take any other action, including, but not limited to redesign or acquisition of equipment, or reassignment of services or staff, that would not result in such alteration or burden, but would, nevertheless, ensure that individuals with disabilities receive the benefits/services provided by the district.

(2) In regard to new construction and alterations, each facility or part of a facility constructed by, on behalf of, or for the use of the district will be designed and constructed in such manner, in accordance with 28 CFR §35.151, that the facility or part of the facility is readily accessible to and usable by individuals with disabilities.

(a) Full compliance with the requirements of 28 CFR §35.151 is not required where the district can demonstrate that it is structurally impracticable to meet the requirements.

(b) If providing accessibility in conformance with 28 CFR §35.151 to individuals with certain disabilities (e.g., those who use wheelchairs) would be structurally impracticable, accessibility shall nonetheless be ensured to persons with other types of disabilities, (e.g., those who use crutches or who have sight, hearing, or mental impairments) in accordance with 28 CFR §35.151.

F. Communications - 28 CFR §35.160

1. The district will take appropriate steps to ensure that communications with applicants, participants, members of the public, and companions with disabilities are as effective as communications with others.

2. The district will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities, including applicants, participants, companions, and members of the public, an equal opportunity to participate in and enjoy the benefits of a service, program, or activity conducted by the district.

   a. Auxiliary aids and services will be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.

   b. The district will not require an individual with a disability to bring another individual to interpret with a disability. The district will not rely on an adult accompanying an individual with a disability or on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or where the individual with a disability specifically requests that the accompanying adult interprets or facilitates communication, the accompanying adult agrees to provide such assistance, and reliance on that adult is appropriate under the circumstances.

3. Where the district communicates by telephone with applicants and beneficiaries who are deaf, hard of hearing, or who have speech impairments, text telephones (TTYs) or equally effective telecommunications systems equipped with emergency service access will be used to communicate, in the same time and manner as with other telephone systems (including automated systems). 28 CFR §35.161

4. The district will ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities, including signage at all inaccessible facility entrances. 28 CFR §35.163

G. Grievance Procedure - 28 CFR §35.107(b)

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall first discuss the matter with his/her 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, the complainant may submit a written complaint to the District Coordinator. The complaint will include:

   a. The complainant's name and address;

   b. The specific act or practice of which the complainant complains;

   c. The employee, if any, responsible for the allegedly discriminatory act;

   d. Results of discussions conducted in accordance with paragraph G.1. above; and

   e. Reasons why those results are not satisfactory.

3. The District Coordinator will investigate the matter informally and will respond to the complainant 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 District Coordinator 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.

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 at the hearing the presence of the staff member charged with a discriminatory act and any other person with knowledge of the complained act.

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.

7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the School Business Administrator/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

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

8. If a staff member is charged with a discriminatory act, the Board will provide a copy of the appeal to that staff member.

9. 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.

10. 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.

11. The complainant will be informed of his/her right to appeal the Board's decision to the:

    U.S. Department of Justice
    950 Pennsylvania Avenue, NW
    Civil Rights Division
    Disability Rights Section – 1425 NYAV
    Washington, D.C. 20530

12. An individual who believes he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the district may, by himself/herself, or an authorized representative, at any time, file a complaint directly with OCR.

13. Record:

    a. The record of any complaint processed in accordance with this procedure will be maintained in a file kept by the District Coordinator.

    b. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Adopted: 27 August 2020

R 1530 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

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 1530, guaranteeing "equal access to all categories of employment without 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 the Little Ferry School District.

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.

5. "Discriminatory act or practice" means denial of equal employment opportunity in violation of State statutes and administrative codes and Federal laws and Policy 1530.

6. "School district" means the Little Ferry School District.

C. Procedure

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with his/her 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, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:

   a. The complainant's name and address,

   b. The specific act or practice 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., 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 acted discriminatorily.

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 a discriminatory act and any other person with knowledge of the act 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.

7. 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,

   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.

8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.

9. 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.

10. 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.

11. The complainant will be informed of 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
Trenton Regional Office
Office of the Attorney General
140 East Front Street – 6th 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.

2. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

Issued: 27 August 2020

R 1550 EQUAL EMPLOYMENT/ANTI-DISCRIMINATION PRACTICES

A. Purpose and Application

1. The purpose of this procedure is to give any school district employee the opportunity to appeal an alleged violation of the school district's Affirmative Action Program for employment and contract practices, as set forth in Policy 1550 or in a plan formally adopted by the Board of Education and approved by the Commissioner.

2. No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.

3. 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.

4. 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.

5. All participants in the procedure will respect the confidentiality that this school district accords to information about individual staff members.

B. Definitions

1. "Board of Education" means the Board of Education of the Little Ferry School District.

2. "Complaint" means an alleged violation of the school district's Affirmative Action Plan or Policy.

3. "Complainant" means a staff member who alleges a violation of the school district's Affirmative Action Plan or Policy 1550.

4. "Day" means a business day or calendar day as identified.

5. "School district" or "district" means the Little Ferry School District.

6. "Violation" means the failure of a school district official or employee to take the positive steps outlined in Policy 1550 or the duly approved Affirmative Action Plan to remove impermissible bias or preference from all aspects of school district employment or contract practices and/or to correct the results of past discrimination.

C. Procedure

1. A Complainant who believes he/she has been harmed or adversely affected by a failure to enforce the school district's Affirmative Action Plan for employment and contract practices shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.

   a. In the event the Complainant believes their immediate supervisor may be conflicted or if the immediate supervisor is not available, the Complainant may proceed directly to the school district's Affirmative Action Officer as outlined in C.2. below.

   b. In the event the Complainant believes the school district's Affirmative Action Officer may be conflicted, the Complainant may submit a written complaint to the Superintendent of Schools who will designate a supervisor or administrative staff member to conduct the investigation in accordance with the procedures outlined in this Regulation. The Superintendent will ensure the supervisor or administrative staff member is provided affirmative action training in accordance with State mandates and guidelines.

2. If the matter is not resolved to the satisfaction of the Complainant within ten business days, the Complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:

   a. The Complainant's name and address;

   b. The specific failure to act that the Complainant complains of;

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

   d. The results of discussions conducted in accordance with paragraph C.1.; 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 business 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 business 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.

5. Upon request, 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 business 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 business days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.

7. The Complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three business days after receipt of the Superintendent's decision. The appeal will 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

   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 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 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:

    a. Commissioner of Education
    New Jersey State Department of Education
    P.O. Box 500
    Trenton, New Jersey 08625-0500, or

    b. New Jersey Division on Civil Rights
    Central Regional Office
    140 East Front Street – 6th Floor
    Trenton, New Jersey 08625-0090

D. Record

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

2. A copy of the decision rendered at its highest level of appeal will be kept in the Complainant's personnel file.

Issued: 27 August 2020

R 1570 INTERNAL CONTROLS

A. Segregation of Business Duties and Organizational Structure

1. The school district shall evaluate business processes annually and allocate available resources appropriately in an effort to establish a strong control environment.

2. The School Business Administrator/Board Secretary shall identify processes that when performed by the same individuals are a violation of sound segregation of duties. The School Business Administrator/Board Secretary shall segregate the duties of all such processes among Business office staff based on available district resources, assessed vulnerability and the associated cost-benefit, except as required by a. and b. below.

   a. The functions of human resources and payroll shall be segregated and completed by different employees in all districts.

   b. The functions of purchasing and accounts payable shall be segregated and completed by different employees in all districts.

3. The district shall include in the Comprehensive Annual Financial Report (CAFR) a detailed organizational chart for the Central Office that tie to the district's position control logs, including but not limited to, the business, human resources, and information management functions.

B. Standard Operating Procedures (SOPs) for Business Functions

1. The school district shall establish SOPs for each task or function of the business operations of the district by December 31, 2009.

2. The SOP Manual shall include sections on each routine task or function of the following areas:

   a. Accounting including general ledger, accounts payable, accounts receivable, payroll and fixed assets, and year-end procedures for each;

   b. Cash management;

c. Budget development and administration including tasks such as authorization of transfers and overtime;

d. Position control;

e. Purchasing including such tasks as preparation of requisitions, approval of purchase orders and encumbering of funds, bid and quote requirements, and verification of receipt of goods and services;

f. Facilities including administration of work and health and safety;

g. Security;

h. Emergency preparedness;

i. Risk management;

j. Transportation;

k. Food service;

l. Technology systems; and

m. Information management.

3. A standard operating procedure shall be established that ensures office supplies are ordered in appropriate quantities, maintained in appropriate storage facilities, and monitored to keep track of inventory.

C. Financial and Human Resource Management Systems, Access Controls

1. School districts with budgets in excess of $25,000,000 or with more than 300 employees shall maintain an Enterprise Resource Planning (ERP) System which integrates all data and processes of the school district into a unified system. The ERP system shall use multiple components of computer software and hardware and a unified database to store data for the various system modules to achieve the integration.

a. Districts affected by C.1. above that do not have an ERP system in place on July 1, 2008 shall fully implement one by the 2010-2011 school year and maintain both the existing system(s) and run a beta test ERP system during the 2009-2010 school year.

2. Whenever considering financial systems or the automation of other services or functions, the Superintendent or School Business Administrator/Board Secretary shall notify the Executive County Superintendent in writing to see if opportunities for a shared service system exist.

3. Access controls shall be established for key elements of financial systems to ensure that a single person does not have the ability to make system edits that would violate segregation of duties controls.

   a. The process for creating, modifying, and deleting user accounts shall include the use of user access request forms.

   b. All requests for financial applications shall be approved and specified by the School Business Administrator/Board Secretary.

   c. All requests for network access shall be granted by the head of the technology department, if one exists.

   d. A review of user access shall be conducted yearly at a minimum by the relevant department managers and an audit trail should be maintained to verify the performance of this review.

   e. Access to the network and key applications within a district shall be restricted to authorized users through the use of unique user names and passwords.

   f. Proper protocols shall be implemented that appropriately address password expiration and complexity.

D. Personnel Tracking and Accounting

1. The school district shall maintain an accurate, complete, and up-to-date automated position control roster to track the actual number and category of employees and the detailed information for each. Districts are required to maintain a position control roster by December 31, 2009. The position control roster shall:

   a. Share a common database and be integrated with the district's payroll system;

   b. Agree to the account codes in the budget software;

c. Ensure that the data within the position control roster system includes, at a minimum, the following information:

(1) The employee's name;

(2) The date of hire;

(3) A permanent position tracking number for each employee including:

(a) The expenditure account codes for the general fund consistent with the State prescribed budget, special revenue fund and enterprise funds;

(b) The building(s) the position is assigned;

(c) The certification title and endorsement held, as applicable;

(d) The assignment position title as follows:

i. Superintendent or Chief School Administrator;

ii. Assistant Superintendent;

iii. School Business Administrator;

iv. Board Secretary (when other than i., ii., or iii. above);

v. Principal;

vi. Vice Principal;

vii. Director;

viii. Supervisor;

ix. Facilitator;

x. Instructional Coach by Subject Area;

xi. Department Chairperson by Subject Area;

xii. Certificated Administrator – Other;

xiii. Guidance;

xiv. Media Specialist/Librarian;

xv. School Nurse;

xvi. Social Worker;

xvii. Psychologist;

xviii. Therapist – OT;

xix. Therapist – PT;

xx. Therapist – Speech;

xxi. Certificated Support Staff – Other;

xxii. Teacher by Subject Area;

xxiii. Instructional Assistants;

xxiv. Certificated Instructional-Other;

xxv. Aides supported by IEP;

xxvi. Other Aides;

xxvii. Maintenance Worker;

xxviii. Custodian;

xxix. Bus Driver;

xxx. Vehicle Mechanic;

xxxi. Food Service; and

xxxii. Other Non-certificated.

(4) A control number for substitute teachers;

(5) A control number for overtime;

(6) A control number for extra pay;

(7) The status of the position (filled, vacant, abolished, etc.);

(8) An indication, when available, of whether the employee is retiring in the budget year or not being renewed including associated costs such as contractual buyouts, severance pay, paid vacation or sick days, etc.;

(9) Each of the following: base salary, step, longevity, guide, stipends by type, overtime and other extra compensation;

(10) The benefits paid by the district, net of employee reimbursements or co-pays, by type of benefit and for FICA and Medicare;

(11) The position's full-time equivalent value by location;

(12) The date the position was filled; and

(13) The date the position was originally created by the Board. If the date the position was originally created is not available, this item shall represent the date the person currently filling that position was approved by the Board.

R 1581 DOMESTIC VIOLENCE

Policy and Regulation 1581 - Section A. sets forth the New Jersey Civil Service Commission's (Civil Service Commission) Uniform Domestic Violence Policy that all public employers shall adopt and distribute to all their employees in accordance with the provisions of N.J.S.A. 11A:2-6a. The purpose of the Uniform Domestic Violence Policy is to encourage public employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their public employer's human resources officer(s) and provide a standard for a public employer's human resources officer(s) to follow when responding to employees.

Policy and Regulation 1581 – Section B. provides employment protection for employees of those employers as defined in N.J.S.A. 34:11C-2, who are victims of domestic violence or sexual violence in accordance with the provisions of the New Jersey Security and Financial Empowerment Act (NJ SAFE Act) - N.J.S.A. 34:11C-1 et seq.

A. Uniform Domestic Violence Policy (N.J.S.A. 11A:2-6a)

1. Definitions

The following terms are defined solely for the purposes of N.J.S.A. 11A:2-6a and Policy and Regulation 1581:

"Domestic Violence" - Acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

"Abuser/Perpetrator" - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

"Human Resources Officer (HRO)" - An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

"Intimate Partner" - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

"Temporary Restraining Order (TRO)" - A civil court order issued by a judge to protect the life, health, or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately ten business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

"Victim" - A person who is eighteen years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following factors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

"Workplace-Related Incidents" - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to: facilities; work sites; equipment; vehicles; or while on work-related travel.

2. Persons Covered Under N.J.S.A. 11A:2-6a and Policy and Regulation 1581

All New Jersey public employees are covered under N.J.S.A. 11A:2-6a and Policy and Regulation 1581 – Section A. A State of New Jersey public employer is any State, county, municipality, school district, or other political subdivision thereof, and any agency, authority, or instrumentality of the foregoing. Casual/seasonal employees, interns, volunteers, and temporary employees of any public employer at any workplace location are also covered under N.J.S.A. 11A:2-6a and Regulation 1581 – Section A.

3. Responsibility of Employer to Designate a Human Resources Officer (HRO)

a. All public employers shall designate an HRO to assist employees who are victims of domestic violence.

b. The designated HRO must receive training on responding to and assisting employees who are domestic violence victims in accordance with Policy and Regulation 1581 – Section A. Should the HRO be unavailable at any time, the employer must designate a secondary HRO, who must also be appropriately trained to respond and assist domestic violence victims pursuant to Policy and Regulation 1581.

c. Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

(1) The name and contact information of the designated HRO must be provided to all employees.

d. Policy and Regulation 1581 – Section A. does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report.

(1) For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

4. Domestic Violence Reporting Procedure

a. Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO.

b. Employees who have information about or witness an act of domestic violence against an employee are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must report to the appropriate authority in addition to reporting to the designated HRO.

c. Nothing in Policy and Regulation 1581 – Section A. shall preclude an employee from contacting 911 in emergency situations. HROs shall remind employees to contact 911 if they feel they are in immediate danger.

d. Each designated HRO shall:

(1) Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.

(2) Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.

(3) Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.

(4) Refer the employee to the provisions and protections of the New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in Regulation 1581 - Section B.

(5) In cases where domestic violence involved a sexual touching or sexual assault between State employees, the HRO is also required to report the incident to their agency's Equal Employment Opportunity (EEO) Officer or Title IX Officer, as appropriate.

(6) If there is a report of sexual assault or abuse, the victim should be offered the services of the New Jersey State Sexual Assault Response Team.

(7) Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to A.5. below.

(8) Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs must be kept in a separate confidential personnel file.

5. Confidentiality Policy

a. In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law.

b. No provision of Policy and Regulation 1581 – Section A. shall supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report.

c. Policy 1581 and Regulation 1581 – Section A.5. shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace.

(1) When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law.

(2) The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere.

(3) The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure.

(a) For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

d. Policy 1581 and Regulation 1581 – Section A. does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

6. Confidentiality of Employee Records

a. To ensure confidentiality and accuracy of information Policy and Regulation 1581 – Section A.6. requires the HRO to keep all documents and reports of domestic violence in a confidential personnel file separate from the employee's other personnel records.

b. These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

7. Public Employer Domestic Violence Action Plan

a. Public employers in the State of New Jersey shall develop an action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

(1) Designate an HRO with responsibilities pursuant to A.3. and A.4. above.

(2) Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.

(3) Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure; or other accommodation approved by the employer.

(4) Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TDI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.

(5) Commit to adherence of the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in Policy and Regulation 1581 – Section A., if the victim provides notice to their human resources office of the status or if the human resources office has reason to believe an employee is a victim of domestic violence.

(6) Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to Policy and Regulation 1581 - Section B. of the civil right of action under the NJ SAFE Act.

(a) Advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer, and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act, or the New Jersey Law Against Discrimination and corresponding policies.

(7) Employers, their designated HRO, and employees should familiarize themselves with Policy and Regulation 1581. Policy and Regulation 1581 shall be provided to all employees upon Board approval and to all new employees upon hiring.

(8) Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

8. Resources

Resources and program information will be readily available to assist victims of domestic violence. These resources should be provided by the designated HRO to any victim of domestic violence at the time of reporting.

9. Distribution of Policy

The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs shall distribute a Uniform Domestic Violence Policy, and any modifications thereto, to public employers. The Director of the Division of Local Government Services shall release Local Finance Notices setting forth any changes to the Uniform Domestic Violence Policy, as changes occur.

10. Other Applicable Requirements

In addition to Policy and Regulation 1581, the HRO and the public employer's appointing authority, if applicable, must follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General directives and guidelines that impose a duty to report. Additionally, to the extent that the procedures set forth in Policy and Regulation 1581 conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

11. Policy Modification and Review

a. A public employer may seek to modify Policy and Regulation 1581 to create additional protocols to protect victims of domestic violence, but may not modify in a way that reduces or compromises the safeguards and processes set out in the Uniform Domestic Violence Policy.

b. The Civil Service Commission will review and modify their Uniform Domestic Violence Policy periodically and as needed.

12. Policy Enforceability

The provisions of the Uniform Domestic Violence Policy are intended to be implemented by the Civil Service Commission. These provisions do not create any promises or rights that may be enforced by any persons or entities.

13. Policy Inquiries and Effective Date

Any questions concerning the interpretation or implementation of the Uniform Domestic Violence Policy shall be addressed to the Chair/Chief Executive Officer of the Civil Service Commission, or their designee. The Uniform Domestic Violence Policy and Policy and Regulation 1581 shall be enforceable upon the HRO's completion of training on the Uniform Domestic Violence Policy and Policy and Regulation 1581.

B. NJ SAFE Act – (N.J.S.A. 34:11C-1 et seq.)

1. The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

2. Definitions (N.J.S.A. 34:11C-2)

The following terms are defined solely for the purpose of N.J.S.A. 34:11C-1 et seq. - NJ SAFE Act:

"Employee" means a person who is employed for at least twelve months by an employer, with respect to whom benefits are sought under the NJ SAFE Act, for not less than 1,000 base hours during the immediately preceding twelve-month period. Any time, up to a maximum of ninety calendar days, during which a person is laid off or furloughed by an employer due to that employer curtailing operations because of a state of emergency declared after October 22, 2012, shall be regarded as time in which the person is employed for the purpose of determining eligibility for leave time under the NJ SAFE Act. In making the determination, the base hours per week during the layoff or furlough shall be deemed to be the same as the average number of hours worked per week during the rest of the twelve-month period.

"Employer" means a person or corporation, partnership, individual proprietorship, joint venture, firm or company, or other similar legal entity which engages the services of an employee and employs twenty-five or more employees for each working day during each of twenty or more calendar work weeks in the then current or immediately preceding calendar year. "Employer" includes the State, any political subdivision thereof, and all public offices, agencies, boards, or bodies.

"State of emergency" means a natural or man-made disaster or emergency for which a state of emergency has been declared by the President of the United States or the Governor, or for which a state of emergency has been declared by a municipal emergency management coordinator.

3. Regulations Relative to Unpaid Leave for Employees and Family Members Affected by Certain Offenses (N.J.S.A. 34:11C-3)

a. Any employee of an employer in the State of New Jersey who was a victim of an incident of domestic violence as defined in N.J.S.A. 2C:25-19, or a sexually violent offense as defined in N.J.S.A. 30:4-27.26, or whose parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that

the employee shows to have a close association with the employee which is the equivalent of a family relationship, was a victim shall be entitled to unpaid leave of no more than twenty days in one twelve-month period, to be used in the twelve-month period next following any incident of domestic violence or any sexually violent offense as provided in N.J.S.A. 34:11C-3.

For purposes of N.J.S.A. 34:11C-3 and Regulation 1581 - Section B.3., each incident of domestic violence or any sexually violent offense shall constitute a separate offense for which an employee is entitled to unpaid leave, provided that the employee has not exhausted the allotted twenty days for the twelve-month period.

The unpaid leave may be taken intermittently in intervals of no less than one day, as needed for the purpose of engaging in any of the following activities as they relate to the incident of domestic violence or sexually violent offense:

(1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship;

(2) Obtaining services from a victim services organization for the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship;

(3) Obtaining psychological or other counseling for the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship;

(4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, from future domestic or sexual violence or to ensure economic security;

(5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or

(6) Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, was a victim.

b. An eligible employee may elect to use any accrued paid vacation leave, personal leave, or medical or sick leave of the employee, or any family temporary disability leave benefits provided pursuant to N.J.S.A. 43:21-27 during any part of the twenty-day period of unpaid leave provided under N.J.S.A 34:11C-3 and Regulation 1581 - Section B.3.a.

In such case, any paid leave provided by the employer, and accrued pursuant to established policies of the employer, or family temporary disability leave benefits, shall run concurrently with the unpaid leave provided under N.J.S.A. 34:11C-3.a and Regulation 1581 - Section B.3.a.

and, accordingly, the employee shall receive pay pursuant to the employer's applicable paid leave policy, or family temporary disability leave benefits, during the period of otherwise unpaid leave. If an employee requests leave for a reason covered by both N.J.S.A. 34:11C-3.a and the "Family Leave Act," N.J.S.A. 34:11B-1 et seq. or the Federal "Family and Medical Leave Act of 1993," 29 U.S.C. § 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law.

Leave granted under N.J.S.A. 34:11C-3 and Regulation 1581 - Section B. shall not conflict with any rights pursuant to the "Family Leave Act," the "Temporary Disability Benefits Law," N.J.S.A. 43:21-25 et al, or the Federal "Family and Medical Leave Act of 1993."

c. Prior to taking the leave provided for in N.J.S.A. 34:11C-3 and Regulation 1581 - Section B.3.a., an employee shall, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave, unless an emergency or other unforeseen circumstance precludes prior notice. The notice shall be provided to the employer as far in advance as is reasonable and practical under the circumstances.

d. Nothing contained in the NJ SAFE Act (N.J.S.A. 34:11C-1 et seq.) and Regulation 1581 - Section B. shall be construed to prohibit an employer from requiring that a period of leave provided pursuant to N.J.S.A. 34:11C-3 and Regulation 1581 - Section B. be supported by the employee with documentation of the domestic violence or sexually violent offense which is the basis for the leave.

If the employer requires the documentation, the employee shall be regarded as having provided sufficient documentation if the employee provides one or more of the following:

(1) A domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;

(2) A letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;

(3) Documentation of the conviction of a person for the domestic violence or sexually violent offense;

(4) Medical documentation of the domestic violence or sexually violent offense;

(5) Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, that the employee or employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, is a victim of domestic violence or a sexually violent offense; or

(6) Other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, in dealing with the domestic violence or sexually violent offenses.

For the purpose of N.J.S.A. 34:11C-3.c and Regulation 1581 - Section B.3.d.:

(1) "Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals;

(2) "Designated Domestic Violence Agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the Division for the express purpose of providing the services.

(3) "Rape Crisis Center" means an office, institution, or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information, and follow-up counseling.

e. An employer shall display conspicuous notice of its employees' rights and obligations pursuant to the provisions of the NJ SAFE Act, in such form and manner as the Commissioner of Labor and Workforce Development shall prescribe, and use other appropriate means to keep its employees so informed.

f. No provision of N.J.S.A. 34:11C-1 et seq. and Policy and Regulation 1581 – Section B. shall be construed as requiring or permitting an employer to reduce employment benefits provided by the employer or required by a collective bargaining agreement which are in excess of those required by the NJ SAFE Act. Nor shall any provision of N.J.S.A. 34:11C-1 et seq. and Policy and Regulation 1581 – Section B. be construed to prohibit the negotiation and provision through collective bargaining agreements of leave policies or benefit programs which provide benefits in excess of those required by the NJ SAFE Act. N.J.S.A. 34:11C-3.e and Regulation 1581 – Section B.3.f. shall apply irrespective of the date that a collective bargaining agreement takes effect.

Nothing contained in N.J.S.A. 34:11C-1 et seq. and Policy and Regulation 1581 – Section B. shall be construed as permitting an employer to:

(1) Rescind or reduce any employment benefit accrued prior to the date on which the leave taken pursuant to the NJ SAFE Act commenced; or

(2) Rescind or reduce any employment benefit, unless the rescission or reduction of the benefit is based on changes that would have occurred if an employee continued to work without taking the leave provided pursuant to Regulation 1581 – Section B.3.a.

g. All information provided to an employer pursuant to N.J.S.A. 34:11C-3.c and Regulation 1581 – Section B.3.d. above and any information regarding a leave taken pursuant to N.J.S.A. 34:11C-3.c and any failure of an employee to return to work, shall be retained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by a Federal or State law, rule, or regulation.

4. Certain Actions by Employer Prohibited (N.J.S.A. 34:11C-4)

An employer shall not discharge, harass, or otherwise discriminate, retaliate, or threaten to discharge, harass, or otherwise discriminate or retaliate against an employee with respect to the compensation, terms, conditions, or privileges of employment on the basis that the employee took or requested any leave to which the employee was entitled pursuant to N.J.S.A. 34:11C-3 of the NJ SAFE Act and Regulation 1581 – Section B.3. or on the basis that the employee refused to authorize the release of information deemed confidential pursuant to N.J.S.A. 34:11C-3.f and Regulation 1581 – Section B.3.g.

5. Violations; Penalties (N.J.S.A. 34:11C-5)

a. Upon a violation of any of the provisions of N.J.S.A.34:11C-3 and Regulation 1581 - Section B.3., or N.J.S.A. 34:11C-4 and Regulation 1581 - Section B.4., an employee or former employee may institute a civil action in the Superior Court for relief. All remedies available in common law tort actions shall be available to a prevailing plaintiff. The Court may also order any or all of the following relief:

(1) An assessment of a civil fine of not less than $1,000 and not more than $2,000 for the first violation of any of the provisions of N.J.S.A. 34:11C-3 or N.J.S.A. 34:11C-4 and not more than $5,000 for each subsequent violation;

(2) An injunction to restrain the continued violation of any of the provisions of N.J.S.A. 34:11C-3 or N.J.S.A. 34:11C-4;

(3) Reinstatement of the employee to the same position or to a position equivalent to that which the employee held prior to unlawful discharge or retaliatory action;

(4) Reinstatement of full fringe benefits and seniority rights;

(5) Compensation for any lost wages, benefits, and other remuneration;

(6) Payment of reasonable costs and attorney's fees.

b. An action brought under N.J.S.A. 34:11C-5 shall be commenced within one year of the date of the alleged violation.

c. A private cause of action provided for in N.J.S.A. 34:11C-5 shall be the sole remedy for a violation of N.J.S.A. 34:11C-1 et seq.

Adopted: 27 August 2020

R 1613 DISCLOSURE AND REVIEW OF APPLICANT'S EMPLOYMENT HISTORY

A school district, charter school, nonpublic school, or contracted service provider holding a contract with a school district, charter school, or nonpublic school shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students and is offered employment or commences employment following June 1, 2018 unless the school district, charter school, nonpublic school, or contracted service provider complies with the requirements of N.J.S.A. 18A:6-7.6 et seq. as outlined in Policy and Regulation 1613.

A. Definitions (N.J.S.A. 18A:6-7.6 et seq.)

For the purposes of this Policy and Regulation:

1. "Applicant" means any person considered for employment or offered employment for pay or contract for the paid services of any person serving in a position which involves regular contact with students.

2. "Child abuse" means any conduct that falls under the purview and reporting requirements of N.J.S.A. 9:6-8.8 et seq. and is directed toward or against a child or student, regardless of the age of the child or student.

3. "Disclosure Information Request Form" shall be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Information Request, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.

4. "Disclosure Release Form" shall be the State of New Jersey Sexual Misconduct/Child Abuse Disclosure Release, P.L. 2018, Chapter 5 or a similar form developed by the hiring entity.

5. "Hiring entity" means all school entities including school districts, charter schools, nonpublic schools, or contracted service providers holding a contract with a school district, charter school, or nonpublic school.

6. "Sexual misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual or erotic nature, and any other sexual, indecent, or erotic contact with a student.

B. Hiring Entity Required Application and Review Process (N.J.S.A. 18A:6-7.7)

1. A hiring entity shall not employ for pay or contract for the paid services of any person serving in a position which involves regular contact with students unless the hiring entity complies with the provisions of N.J.S.A. 18A:6-7.6 et seq.

a. The hiring entity shall require an applicant to provide a Disclosure Release Form which must include the following information:

(1) A list, including name, address, telephone number, and other relevant contact information of the applicant's:

(a) Current employer;

(b) All former employers within the last twenty years that were schools; and

(c) All former employers within the last twenty years where the applicant was employed in a position that involved direct contact with children; and

(2) A written authorization that consents to and authorizes disclosure of the information requested under b. below pursuant to N.J.S.A. 18A:6-7.7.a.(2) and the release of related records by the applicant's employers listed under B.1.a.(1) above, and that releases those employers from liability that may arise from the disclosure or release of records;

(3) A written statement as to whether the applicant:

(a) Has been the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;

(b) Has ever been disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or

(c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

(4) The hiring entity must comply with the requirements of N.J.S.A. 18A:6-7.6 et seq. for every applicant who will be employed by the hiring entity.

(a) However, the provisions of N.J.S.A. 18A:6-7.6 et seq. may be required by the hiring entity for any applicant.

b. The Superintendent or designee of the hiring entity will review the applicant's Disclosure Release Form. Upon determining to continue the application process, the Superintendent or designee shall provide the applicant's Disclosure Release Form to all employers listed by the applicant under the provisions of N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above and provide all employers listed with the applicant's written authorization that consents to and authorizes disclosure in accordance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) and request the following information:

(1) The dates of employment of the applicant; and

(2) A statement as to whether the applicant:

(a) Was the subject of any child abuse or sexual misconduct investigation by any employer, State licensing agency, law enforcement agency, or the Department of Children and Families, unless the investigation resulted in a finding that the allegations were false or the alleged incident of child abuse or sexual misconduct was not substantiated;

(b) Was disciplined, discharged, nonrenewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct; or

(c) Has ever had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

c. The review of the applicant's employment history may be conducted through telephonic, electronic, or written communications in accordance with N.J.S.A. 18A:6-7.7.

(1) If the review is conducted by telephone, the results of the review shall be documented in writing by the Superintendent or designee responsible for reviewing the applicant's employment history. The Superintendent or designee may use the Disclosure Release Form to complete this review.

2. After reviewing the information disclosed by an employer under B.1.b. above and finding an affirmative response to any of the inquiries listed and if the Superintendent or designee of the hiring entity determines to continue with the applicant's job application process, the Superintendent or designee shall make further inquiries of the applicant's current and/or former employer(s) to ascertain additional details regarding the matter disclosed pursuant to N.J.S.A. 18A:6-7.10.

a. The Superintendent or designee shall make these additional inquiries by requesting the current and/or former employer to complete the Disclosure Information Request Form and attach additional information, including the initial complaint and final report, if any, regarding the incident of child abuse or sexual misconduct.

b. The Superintendent, upon receiving and reviewing the additional information disclosed in accordance with B.2.a. above, will make a determination to continue with the applicant's job application process.

3. All employment history documentation for each applicant employed by the hiring entity in accordance with N.J.S.A. 18A:6-7.6 et seq. shall be maintained in the employee's personnel file. All employment history documentation for an applicant not hired shall be maintained by the Superintendent or designee and destroyed in accordance with the New Jersey Department of Revenue – Records Management Services Records Retention and Disposition Schedule.

4. Employment history review pursuant to N.J.S.A. 18A:6-7.6 et seq. is not required for applicants the hiring entity does not wish to employ.

5. The hiring entity, in accordance with N.J.S.A. 18A:6-7.9.b., in conducting the review of the employment history of an out-of-State applicant, shall make, and document with specificity, diligent efforts to:

   a. Verify the information provided by the applicant pursuant to N.J.S.A. 18A:6-7.7.a. and B.1.a. above; and

   b. Obtain from any out-of-State employers listed by the applicant the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.

C. Completing a Disclosure Request from a Hiring Entity Regarding a Current or Former Employee (N.J.S.A. 18A:6-7.9)

1. All requests for information from a hiring entity regarding a current or former employee of this school district, charter school, or nonpublic school in accordance N.J.S.A. 18A:6-7.6 et seq. shall be directed to the Superintendent or designee.

   a. The Superintendent or designee, upon receiving a request from a hiring entity for information, shall provide the information requested in accordance with N.J.S.A. 18A:6-7.6 et seq. to the hiring entity submitting the request if:

      (1) The employment relationship is confirmed pursuant to N.J.S.A. 18A:6-7.7.a.(1) and B.1.a.(1) above; and

      (2) The written authorization is in compliance with N.J.S.A. 18A:6-7.7.a.(2) and B.1.a.(2) above.

   b. At the discretion of the Superintendent, the requested information may be provided through telephonic, electronic, or written communications, pursuant to N.J.S.A. 18A:6-7.7 and B.1.c. above.

2. In the event a hiring entity requests additional information from this school district, charter school, or nonpublic school beyond a response to the questions as outlined in N.J.S.A. 18A:6-7.7.b. and B.1.b. above, the Superintendent or designee will review the written request and will make a determination as to the additional information and/or documentation to be provided to the hiring entity. Any request for additional information and/or documentation must be submitted by the hiring entity in writing to the Superintendent or designee before providing any additional information and/or documentation.

   a. Upon providing such additional information and/or documentation, the Superintendent or designee will take every measure to ensure privacy and confidentiality, consistent with State and Federal laws and regulations regarding student privacy and the privacy rights of others.

   b. Any personally identifiable information regarding any student or other individual other than the applicant's personally identifiable information shall be redacted prior to the release of any additional information.

   c. The requested additional information should be provided to the hiring entity within twenty days, as required by statute.

3. A copy of all requests for information and any information provided to a hiring entity, in accordance with the provisions of Policy and Regulation 1613 and N.J.S.A. 18A:6-7.6 et seq., shall be maintained by the Superintendent or designee in the applicant's personnel file and shall only be destroyed in accordance with the New Jersey Department of Revenue – Records Management Services Records Retention and Disposition Schedule.

D. Timeline for Current or Former Employers to Disclose Information (N.J.S.A. 18A:6-7.9)

1. No later than twenty days after receiving a request for information under N.J.S.A. 18A:6-7.7.b. and B.1.b. above, an employer that has or had an employment relationship within the last twenty years with the applicant shall disclose the information requested pursuant to N.J.S.A. 18A:6-7.6 et seq.

2. The failure of an employer to provide the information requested pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above within the twenty day timeframe established under N.J.S.A. 18A:6-7.9.a. and D.1. above may be grounds for the automatic disqualification of an applicant from employment with a hiring entity. A hiring entity shall not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated:

a. Because of any information received by the hiring entity from an employer pursuant to N.J.S.A. 18A:6-7.7 and B. above; or

b. Due to the inability of the hiring entity to conduct a full review of the applicant's employment history pursuant to N.J.S.A. 18A:6-7.7.b. and B.1.b. above.

E. Provisional Employment (N.J.S.A. 18A:6-7.10)

A hiring entity may employ or contract with an applicant on a provisional basis for a period not to exceed ninety days pending review by the hiring entity of information received pursuant to N.J.S.A. 18A:6-7.7 and B. above, provided that all of the following conditions are satisfied:

1. The applicant has complied with N.J.S.A. 18A:6-7.7.a. and B.1.a. above;

2. The hiring entity has no knowledge or information pertaining to the applicant that the applicant is required to disclose pursuant to N.J.S.A. 18A:6-7.7.a.(3) and B.1.a.(3); and

3. The hiring entity determines that special or emergent circumstances exist that justify the temporary employment of the applicant.

F. Penalties to Applicants (N.J.S.A. 18A:6-7.8)

1. An applicant who willfully provides false information or willfully fails to disclose information required in N.J.S.A. 18A:6-7.7.a. and B.1.a. above:

a. Shall be subject to discipline up to, and including, termination or denial of employment;

b. May be deemed in violation of subsection a. of N.J.S.A. 2C:28-3; and

c. May be subject to a civil penalty of not more than $500 which shall be collected in proceedings in accordance with the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (N.J.S.A. 2A:58-10 et seq.).

2. A hiring entity shall include a notification of the penalties set forth in N.J.S.A. 18A:6-7.8 and F.1. above on all applications for employment for positions which involve regular contact with students.

G. Termination (N.J.S.A. 18A:6-7.9.d.)

1. A hiring entity shall have the right to immediately terminate an individual's employment or rescind an offer of employment if:

   a. The applicant is offered employment or commences employment with the hiring entity following June 1, 2018; and

   b. Information regarding the applicant's history of sexual misconduct or child abuse is subsequently discovered or obtained by the hiring entity that the hiring entity determines disqualifies the applicant or employee from employment.

2. The termination of employment pursuant to the provisions outlined in G.1. above and pursuant to N.J.S.A. 18A:6-7.9 shall not be subject to any grievance or appeals procedures or tenure proceedings pursuant to any collectively bargained or negotiated agreement or any law, rule, or regulation.

H. Information Not Deemed Public Record and Immunity (N.J.S.A. 18A:6-7.11)

1. Information received by an employer in accordance with Policy and Regulation 1613 and N.J.SA. 18A:6-7.6 et seq. shall not be deemed a public record under N.J.S.A. 47:1A-1 et seq. or the common law concerning access to public records.

2. An employer, school district, charter school, nonpublic school, school administrator, or contracted service provider that provides information or records about a current or former employee or applicant shall be immune from criminal and civil liability for the disclosure of the information, unless the information or records provided were knowingly false. The immunity shall be in addition to and not in limitation of any other immunity provided by law.

I. Prohibited Actions Relative to Certain Agreements and Employment Contracts (N.J.S.A. 18A:6-7.12)

1. On or after June 1, 2018, a school district, charter school, nonpublic school, or contracted service provider may not enter into a collectively bargained or negotiated agreement, an employment contract, an agreement for resignation or termination, a severance agreement, or any other contract or agreement or take any action that:

a. Has the effect of suppressing or destroying information relating to an investigation related to a report of suspected child abuse or sexual misconduct by a current or former employee;

b. Affects the ability of a school district, charter school, nonpublic school, or contracted service provider to report suspected child abuse or sexual misconduct to the appropriate authorities; or

c. Requires the school district, charter school, nonpublic school, or contracted service provider to expunge information about allegations or finding of suspected child abuse or sexual misconduct from any documents maintained by the school district, charter school, nonpublic school, or contracted service provider, unless after investigation the allegations are found to be false or the alleged incident of child abuse or sexual misconduct has not been substantiated.

2. Any provision of an employment contract or agreement for resignation or termination or a severance agreement that is executed, amended, or entered into after June 1, 2018 and that is contrary to N.J.S.A. 18A:6-7.12 shall be void and unenforceable.

J. Public Awareness Campaign (N.J.S.A. 18A:7.13)

1. The New Jersey Department of Education (NJDOE) shall establish a public awareness campaign to publicize the provisions of N.J.S.A. 18A:6-7.6 et seq. and to ensure applicants and employers are aware of their respective rights and responsibilities under N.J.S.A. 18A:6-7.6 et seq. The NJDOE shall post on its website guidance documents and any other informational materials that may assist applicants and employers in the implementation of and compliance with N.J.S.A. 18A:6-7.6 et seq.

2. The NJDOE developed forms for applicants and employers may be used to comply with the requirements of Policy and Regulation 1613 and N.J.S.A. 18A:6-7.7, as well as any other forms necessary to carry out the provisions of N.J.S.A. 18A:6-7.6 et seq.

Issued: 27 August 2020

R 1642 EARNED SICK LEAVE LAW

A. Definitions Relative to Policy and Regulation 1642 and the New Jersey Earned Sick Leave Law (Act)

"Act" means the New Jersey Earned Sick Leave Law – N.J.S.A. 34:11D-1. through 34:11D-11.

"Benefit year" means the period of twelve consecutive months, July 1 through June 30, as established by an employer in which an employee shall accrue and use earned sick leave as provided pursuant to N.J.S.A. 34:11D-2, provided that once the starting date of the benefit year is established by the employer it shall not be changed unless the employer notifies the Commissioner of Labor and Workforce Development of the change in accordance with regulations promulgated pursuant to the Act. The Commissioner shall impose a benefit year on any employer the Commissioner determines is changing the benefit year at times or in ways that prevent the accrual or use of earned sick leave by an employee.

"Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.

"Child" means a biological, adopted, or foster child, stepchild or legal ward of an employee, child of a domestic partner or civil union partner of the employee.

"Civil union" means a civil union as defined in N.J.S.A. 37:1-29.

"Commissioner" means the Commissioner of Labor and Workforce Development.

"Department" means the Department of Labor and Workforce Development.

"Designated domestic violence agency" means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.

"Domestic or sexual violence" means stalking, any sexually violent offense, as defined in N.J.S.A. 30:4-27.26, or domestic violence as defined in N.J.S.A. 2C:25-19, and N.J.S.A. 17:29B-16.

"Domestic partner" means a domestic partner as defined in N.J.S.A. 26:8A-3.

"Employee" means, for the purposes of Policy and Regulation 1642, an individual engaged in service for compensation to a local school district, regional school district, county vocational school, or charter school of the State who is not provided with sick leave with full pay pursuant to N.J.S.A. 18A:30-2 or any other law, rule, or regulation of New Jersey and is eligible to accrue earned sick leave in accordance with the requirements of the Act.

"Employer" means, for the purposes of Policy and Regulation 1642, a local school district, regional school district, county vocational school, or charter school of the State who does not provide sick leave with full pay to an employee pursuant to N.J.S.A. 18A:30-2 or any other law, rule, or regulation of New Jersey and is required to comply with the requirements of the Act.

"Family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of an employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

"Health care professional" means any person licensed under Federal, State, or local law, or the laws of a foreign nation, to provide health care services, or any other person who has been authorized to provide health care by a licensed health care professional, including but not limited to doctors, nurses, and emergency room personnel.

"Parent" means a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or of the employee's spouse, domestic partner, or civil union partner, or a person who stood in loco parentis of the employee or the employee's spouse, domestic partner, or civil union partner when the employee, spouse or partner was a minor child.

"Retaliatory personnel action" means denial of any right guaranteed under the Act and any threat, discharge, including a constructive discharge, suspension, demotion, unfavorable reassignment, refusal to promote, disciplinary action, sanction, reduction of work hours, reporting or threatening to report the actual or suspected immigrant status of an employee or the employee's family, or any other adverse action against an employee.

"Sibling" means a biological, foster, or adopted sibling of an employee.

"Spouse" means a husband or wife.

B. Provision of Earned Sick Leave – N.J.S.A. 34:11D-2

1. The employer shall provide earned sick leave in accordance with the Act for each employee working for the employer.

2. For every thirty hours worked, the employee shall accrue one hour of earned sick leave. The employer will not provide an employee their full complement of earned sick leave for a benefit year as required under N.J.S.A. 34:11D-2 on the first day of each benefit year in accordance with the Act.

3. The employer will not permit the employee to accrue or use in any benefit year, or carry forward from one benefit year to the next, more than forty hours of earned sick leave.

   a. Unless the employee has accrued earned sick leave prior to October 29, 2018, the earned sick leave shall begin to accrue on October 29, 2018 for any employee who is hired and commences employment before October 29, 2018 and the employee shall be eligible to use the earned sick leave beginning on February 26, 2019 after the employee commences employment.

   b. If the employee's employment commences after October 29, 2018, the earned sick leave shall begin to accrue upon the date that employment commences. The employee shall be eligible to use the earned sick leave beginning on the 120th calendar day after the employee commences employment.

4. The employer shall be in compliance with N.J.S.A. 34:11D-2 if the employer offers paid time off to an employee, which is fully paid and shall include, but is not limited to personal days, vacation days, and sick days, and may be used for the purposes of N.J.S.A. 34:11D-3 in the manner provided by the Act, and is accrued at a rate equal to or greater than the rate described in N.J.S.A. 34:11D-2.

5. The employer shall pay the employee for earned sick leave at the same rate of pay with the same benefits as the employee normally earns, except that the pay rate shall not be less than the minimum wage required for the employee pursuant to N.J.S.A. 34:11-56a4.

6. Upon the mutual consent of the employee and employer, an employee may voluntarily choose to work additional hours or shifts during the same or following pay period, in lieu of hours or shifts missed, but shall not be required to work additional hours or shifts or use accrued earned sick leave. The employer may not require, as a condition of an employee using earned sick leave, that the employee search for or find a replacement worker to cover the hours during which the employee is using earned sick leave.

7. If an employee is transferred to a separate division, entity, or location, but remains employed by the same employer, then the employee shall be entitled to all earned sick leave accrued at the prior division, entity, or location, and shall be entitled to use the accrued earned sick leave as provided in the Act.

8. If an employee is terminated, laid off, furloughed, or otherwise separated from employment with the employer, any unused accrued earned sick leave shall be reinstated upon the re-hiring or reinstatement of the employee to that employment, within six months of termination, being laid off or furloughed, or separation, and prior employment with the employer shall be counted towards meeting the eligibility requirements set forth in N.J.S.A. 34:11D-2.

9. The employer may choose the increments in which its employees may use earned sick leave, provided that the largest increment of earned sick leave an employee may be required to use for each shift for which earned sick leave is used shall be the number of hours the employee was scheduled to work during that shift.

C. Permitted Usage of Earned Sick Leave – N.J.S.A. 34:11D-3

1. The employer shall permit an employee to use the earned sick leave accrued pursuant to the Act for any of the following:

   a. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;

   b. Time needed for the employee to aid or care for a family member of an employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;

c. Absence necessary due to circumstances resulting from the employee, or a family member of an employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

d. Time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of an employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or

e. Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

2. If an employee's need to use earned sick leave is foreseeable, the employer will require advance notice, not to exceed seven calendar days prior to the date the leave is to begin, of the intention to use the leave and its expected duration, and shall make a reasonable effort to schedule the use of earned sick leave in a manner that does not unduly disrupt the operations of the employer. If the reason for the leave is not foreseeable, the employer will require an employee to give notice of the intention as soon as practicable, if the employer has notified the employee of this requirement.

a. The employer may prohibit employees from using foreseeable earned sick leave on certain dates provided reasonable notice of these dates is provided to employees and the employer will require reasonable documentation if sick leave that is not foreseeable is used during those dates.

b. For earned sick leave of three or more consecutive days, the employer will require reasonable documentation that the leave is being taken for the purpose permitted under N.J.S.A. 34:11D-3.a. and C.1. above.

c. If the leave is permitted under N.J.S.A. 34:11D-3.a.(1) and C.1.a. above or N.J.S.A. 34:11D-3.a.(2) and C.1.b. above, documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave, shall be considered reasonable documentation.

d. If the leave is permitted under N.J.S.A. 34:11D-3.a.(3) and C.1.c. above because of domestic or sexual violence, any of the following shall be considered reasonable documentation of the domestic or sexual violence: medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.

e. If the leave is permitted under N.J.S.A. 34:11D-3.a.(4) and C.1.d. above, a copy of the order of the public official or the determination by the health authority shall be considered reasonable documentation.

f. If the leave is permitted under N.J.S.A. 34:11D-3.a.(5) and C.1.e. above, tangible proof of the reasons outlined in N.J.S.A. 34:11D-3.a.(5) and C.1.e. above shall be considered reasonable documentation.

3. Nothing in the Act shall be deemed to require the employer to provide earned sick leave for an employee's leave for purposes other than those identified in N.J.S.A. 34:11D-3, or prohibit the employer from taking disciplinary action against an employee who uses earned sick leave for purposes other than those identified in N.J.S.A. 34:11D-3.

4. The employer will not pay an employee for unused earned sick leave at the end of the benefit year pursuant to N.J.S.A. 34:11D-3.c.

5. Unless the employer's policy or a collective bargaining agreement provides for the payment of accrued earned sick leave upon termination, resignation, retirement, or other separation from employment, an employee shall not be entitled under N.J.S.A. 34:11D-3 to payment of unused earned sick leave upon the separation from employment.

6. Any information the employer possesses regarding the health of an employee or any family member of the employee or domestic or sexual violence affecting an employee or employee's family member shall be treated as confidential and not disclosed except to the affected employee or with the written permission of the affected employee.

D. Retaliation, Discrimination Prohibited – N.J.S.A. 34:11D-4

1. No employer shall take retaliatory personnel action or discriminate against an employee who accrues sick leave under the Act because the employee requests or uses earned sick leave either in accordance with the Act or the employer's own earned sick leave policy for employees covered under the Act. Any complaints alleging a violation of the Act shall be filed in accordance with the provisions of N.J.S.A. 34:11D-4.

   a. The employer shall not count earned sick leave taken under the Act as an absence that may result in the employee being subject to discipline, discharge, demotion, suspension, a loss or reduction of pay, or any other adverse action.

2. There shall be a rebuttable presumption of an unlawful retaliatory personnel action under N.J.S.A. 34:11D-4 whenever the employer takes adverse action against an employee within ninety days of when that employee:

   a. Files a complaint with the Department or a court alleging a violation of any provision of N.J.S.A. 34:11D-4;

   b. Informs any person about the employer's alleged violation of N.J.S.A. 34:11D-4;

   c. Cooperates with the Department or other persons in the investigation or prosecution of any alleged violation of N.J.S.A. 34:11D-4;

   d. Opposes any policy, practice, or act that is unlawful under N.J.S.A. 34:11D-4; or

   e. Informs any person of his or her rights under N.J.S.A. 34:11D-4.

3. Protections of N.J.S.A. 34:11D-4 shall apply to any person who mistakenly but in good faith alleges violations of the Act.

4. Any violator of the provisions of N.J.S.A. 34:11D-4 shall be subject to relevant penalties and remedies provided by the "New Jersey State Wage and Hour Law," N.J.S.A. 34:11-56a et seq., including the penalties and remedies provided by N.J.S.A. 34:11-56a24, and relevant penalties and remedies provided by N.J.S.A. 2C:40A-2, for discharge or other discrimination.

E. Violations; Remedies, Penalties, Other Measures – N.J.S.A. 34:11D-5

1. Any failure of the employer to make available or pay earned sick leave as required by the Act, or any other violation of the Act, shall be regarded as a failure to meet the wage payment requirements of the "New Jersey State Wage and Hour Law," N.J.S.A. 34:11-56a et seq., or other violation of the New Jersey State Wage and Hour Law, as the case may be, and remedies, penalties, and other measures provided by the New Jersey State Wage and Hour Law, N.J.S.A. 34:11-58, and N.J.S.A. 2C:40A-2 for failure to pay wages or other violations of the New Jersey State Wage and Hour Law shall be applicable, including, but not limited to, penalties provided pursuant to N.J.S.A. 34:11-56a22 and 34:11-56a24, and civil actions by employees pursuant to N.J.S.A. 34:11-56a25, except that an award to an employee in a civil act shall include, in addition to the amount provided pursuant to N.J.S.A. 34:11-56a25, any actual damages suffered by the employee as the result of the violation plus an equal amount of liquidated damages.

F. Retention of Records, Access – N.J.S.A. 34:11D-6

1. The employer shall retain records documenting hours worked by employees and earned sick leave accrued/advanced, used, paid, and paid out and carried over by/to employees, for a period of five years, and shall, upon demand, allow the Department access to those records to monitor compliance with the requirements of the Act.

   a. If an employee makes a claim the employer has failed to provide earned sick leave required by the Act and the employer has not maintained or retained adequate records documenting hours worked by the employee and earned sick leave taken by the employee or does not allow the Department access to the records, it shall be presumed the employer has failed to provide the earned sick leave, absent clear and convincing evidence otherwise.

2. In addition, the penalties provided by the "New Jersey State Wage and Hour Law," N.J.S.A. 34:11-56a et seq. for violations of the requirements of the New Jersey State Wage and Hour Law regarding the maintaining and disclosure of records shall apply to violations of the requirements of N.J.S.A. 34:11D-6.

G. Notification to Employees – N.J.S.A. 34:11D-7

1. The employer shall provide notification, in a form issued by the Commissioner, to employees of their rights under the Act, including the amount of earned sick leave to which they are entitled and the terms of its use and remedies provided by the Act to employees if the employer fails to provide the required benefits or retaliates against employees exercising their rights under the Act.

   a. The employer shall conspicuously post the notification in a place or places accessible to all employees in each of the employer's workplaces.

   b. The employer shall also provide each employee with a written copy of the notification: not later than thirty days after the form of the notification is issued; at the time of the employee's hiring, if the employee is hired after the issuance; and at any time, when first requested by the employee.

   c. The Commissioner shall make the notifications available in English, Spanish, and any other language that the Commissioner determines is the first language of a significant number of workers in the State and the employer shall use the notification in English, Spanish, or any other language for which the Commissioner has provided notifications and which is the first language of a majority of the employer's workforce.

H. Provisions Preemptive; Construction of Act – N.J.S.A. 34:11D-8

1. No provision of the Act, or any regulations promulgated to implement or enforce the Act, shall be construed as:

   a. Requiring the employer to reduce, or justifying the employer in reducing, rights or benefits provided by the employer pursuant to the employer's policy or a collective bargaining agreement which are more favorable to employees than those required by the Act or which provide rights or benefits to employees not covered by the Act;

b. Preventing or prohibiting the employer from agreeing, through a collective bargaining agreement or employer policy, to provide rights or benefits which are more favorable to employees than those required by the Act or to provide rights or benefits to employees not covered by the Act;

c. Prohibiting the employer from establishing a policy whereby an employee may donate unused accrued earned sick leave to another employee or other employees; or

d. Superseding any law providing collective bargaining rights for employees, or in any way reducing, diminishing, or adversely affecting those collective bargaining rights, or in any way reducing, diminishing, or affecting the obligations of the employer under those laws.

2. Employees or employee representatives may waive the rights or benefits provided under the Act during the negotiation of a collective bargaining agreement.

3. With respect to employees covered by a collective bargaining agreement in effect on October 29, 2018, no provision of the Act shall apply until the stated expiration of the collective bargaining agreement.

I. Severability – N.J.S.A. 34:11D-9

1. The provisions of the Act shall be deemed to be severable and if any section, subsection, paragraph, sentence or other part of the Act is declared to be unconstitutional, or the applicability thereof to any person is held invalid, the remainder of the Act shall not thereby be deemed to be unconstitutional or invalid.

Adopted: 27 August 2020

R 2000 PROGRAM

Number	Title
R 2200	Curriculum Content (M)
R 2260	Affirmative Action Program for School and Classroom Practices Complaint Procedure (M)
R 2340	Field Trips
R 2361	Acceptable Use of Computer Networks/Computers and Resources
R 2411	Guidance Counseling (M)
R 2412	Home Instruction Due to Health Condition (M)
R 2414	Programs and Services for Students in High Poverty and in High Need School Districts (M)
R 2415	Title I Services (M)
R 2415.20	No Child Left Behind Complaints (M)
R 2417	Student Intervention and Referral Services (M)
R 2418	Section 504 of the Rehabilitation Act of 1973 – Students (M)
R 2421	Vocational-Technical Education
R 2423	Bilingual and ESL Education (M)
R 2430	Co-Curricular Activities
R 2431.1	Emergency Procedures for Athletic Practices and Competitions (M)
R 2431.2	Medical Examination Prior to Participation on a School-Sponsored Interscholastic or Intramural Team or Squad (M)
R 2431.4	Prevention and Treatment of Sports-Related Concussions and Head Injuries (M)
R 2440	Summer Session
R 2460	Special Education (M)
R 2460.1	Special Education - Location, Identification, and Referral (M)
R 2460.8	Special Education - Free and Appropriate Public Education (M)
R 2460.9	Special Education - Transition From Early Intervention Programs to Preschool Programs (M)
R 2460.15	Special Education – In-Service Training Needs for Professional and Paraprofessional Staff (M)
R 2460.16	Special Education - Instructional Material to Blind or Print-Disabled Students (M)
R 2464	Gifted and Talented Students (M)
R 2480	Alternative Education Programs
R 2481	Home or Out-of-School Instruction for a General Education Student for Reasons Other Than a Temporary or Chronic Health Condition (M)
R 2531	Use of Copyrighted Materials
R 2560	Live Animals in School
R 2624	Grading System

R 2200 CURRICULUM CONTENT

All instruction is to follow the curriculum, pacing, testing, and materials mandated for that subject and grade level. All teachers are responsible for keeping curricula, teacher editions of texts, IEPs for any special education students taught, Individual Student Improvement Plans (ISIP) for any basic skills students taught, and any other essential curriculum reference material at hand.

Professional responsibility includes initiating communication with the Principal whenever a problem, useful suggestions, or other matter arises that might lead to more effective use of the existing curriculum and/or revision of it for more effective future use. Similarly, the Principal and/or the Child Study Team Director must be notified promptly when any child's IEP or ISIP suggests a problem, or any other matter arises that might lead to a more effective use of the existing curriculum and/or revision of it for more effective future use.

Curricula are a starting point. Teachers are encouraged to work flexibly within the curriculum and think creatively about possible revisions. Revisions that promise improved learning opportunities for children without an adverse impact on other teaching teams or students will be granted wherever possible to the teaching teams that propose them.

Issued: 27 August 2020

R 2260 AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND CLASSROOM PRACTICES COMPLAINT PROCEDURE

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 district's Affirmation 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 Little Ferry School District.

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 Little Ferry 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:

   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.

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 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

   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 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 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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R 2340 FIELD TRIPS

The purpose of the field trip is to extend and/or enrich the children's learning experiences of the classroom. When planning for a class trip, the teacher shall ensure that the trip is educational and not solely recreational. A school sponsored trip taken by students as part of an extra-curricular activity or a class trip is not a field trip.

A. Application Process

The regulations below will apply to all school-sponsored field trips.

1. The field trip application shall at a minimum include:

   a. Proposed date of the trip;

   b. The proposed destination and the planned route that will be taken;

   c. A description of how the trip is related to the curriculum goals and objectives;

   d. Departure time and the estimated time of return from the trip;

   e. Admission fees and other expenses (food, transportation, etc.).

2. All field trip request applications shall be submitted for approval whether or not transportation is needed.

3. All field trips must be approved, in writing, by the Principal before plans or announcements are made to students. Application must be submitted at least two weeks in advance of the contemplated date.

4. Transportation for field trips shall be arranged through the Business office. School buses, if available, will be used. However, in some cases public transportation may be used.

5. An adequate number of teacher chaperones must accompany all field trips. The size of the group will determine the number of chaperons needed (one per 25 students).

6. The major portion of the planned itinerary, exclusive of travel time, must be devoted to those activities which are directly connected with the classwork of the class or groups.

7. The teacher in charge of the field trip must prepare a roster containing the names of all students going on the trip. This list shall be submitted to the supervisor along with the field trip request form.

8. On the date of the trip, an accurate alphabetical list of the students in attendance on the trip must be submitted to the office prior to departure.

9. Field trips generally will not be approved for any time after the second week in May of the current school year.

10. A teacher may recommend that a student should not be excused for a field trip because of code of student conduct violations or poor scholarship. The teacher shall report the recommendation for exclusion from the field trip to the Principal. The Principal reserves the right to review the recommendation of the teacher and allow the student to attend the field trip.

11. The following type of field trips require administrative permission and Board approval and, as a result, timelines for seeking permission and approval should be adjusted accordingly:

    a. Field trips that start before 7:30 a.m.;

    b. Field trips that continue beyond 5:00 p.m. (not including interscholastic events);

    c. Field trips that include extensive travel time - e.g. Washington D.C., New York City, Baltimore Harbor, and so forth;

    d. Field trips that are taken during evening hours, during the weekend, and/or during school holidays.

B. Field Trip Rules

It is important that all trips are carefully planned in order that the trip's goals are successfully achieved. The following directions and suggestions are necessary in achieving a successful trip:

1. Establish the purpose of the trip and make certain the children understand the purpose.

2. Prepare the class for the field trip.

3. A teacher shall request approval of a specific field trip by submitting a written application to the Principal no less than ten working days prior to the date of the anticipated trip. Field Trip Request Forms are available in the office of the Principal.

4. Distribute and collect a class trip permission form signed by the parent/guardian for each student who will participate in the trip. The slip must be signed by the student's parent(s) or legal guardian(s). The slip will include notice of:

   a. The date, departure time, and return time;

   b. The destination and its location;

   c. The name of the teacher in charge;

   d. The means of transportation;

   e. The purpose of the trip.

   Signed permission slips will be filed with the Principal and teacher, who will file them until the end of the school year.

5. Prepare a roster of students who will participate in the field trip.

6. Make alternate educational arrangements for any students who will not participate in the field trip.

7. Ascertain whether any student participating in the field trip will or may require medication in the course of the trip and arrange for the presence of the school nurse, a registered nurse, or the student's parent(s) or legal guardian(s) to administer the medication, except where students are allowed to self-administer medication under statutory authority. If none can be present, report the matter to the Principal who may deny the student's participation.

8. Take roll before leaving the school grounds to ascertain that all students participating in the field trip have left the school by the arranged method of transportation. Only in exceptional circumstances, approved in advance by the Principal, may students be delivered directly to the destination by means other than those arranged by the teacher.

9. Take roll before leaving the destination to ascertain that all students participating in the field trip have left the destination by the arranged method of transportation. Only in exceptional circumstances, approved in advance by the Principal, or in an emergency may students be taken from the destination by means other than those arranged by the teacher.

10. Make all necessary preliminary arrangements at the place of the visit.

11. Arrive at the designated place on time and review plans for the day.

12. Plan the trip to leave after the beginning of the school day and to return to the school from where the trip originated by the end of the school day. Trips required to extend beyond the regularly scheduled end of the school day must be justified and approved by the Principal and Superintendent. Special transportation arrangements will be required for all trips that extend beyond the end of the school day.

13. Class members, teachers, and authorized adults will be permitted on class trips.

When a student's ongoing school behavior is deemed to be inappropriate so that his/her participation in a field trip could present serious problems to the safety of the student and other children, the teacher must meet with the Principal to discuss the concern. If the Principal determines that the concern is serious enough to consider exclusion of the student from the field trip, the Principal or teacher will contact the parent in writing to outline the possibility of not allowing the child to participate in the activity and to solicit the parent's support in correcting the student's ongoing inappropriate school behavior. If the condition is not corrected, the Principal may notify the parent in writing of the student's exclusion from the field trip and of the parent's right to appeal. A copy of the letter must be sent to the Superintendent. The child will be expected to attend school on the day of the field trip to participate in an alternative educational program.

C. Chaperones

1. The teacher in charge of the trip is responsible for appointing and training chaperones. Chaperones should be persons known to the teacher to be responsible, dependable, and comfortable with children of the student's age and maturity.

2. Teacher/chaperones are responsible for student behavior on the bus and should be seated throughout the bus (front, middle and back).

3. Chaperones will be assigned a specific group of students and are accountable for the welfare of those students. Students must not be left unattended; if the chaperone must briefly leave his/her assigned students, the chaperone should ask the teacher or another chaperone to take his/her place for the absence.

4. Smoking and the use of alcohol or drugs or the possession of weapons is prohibited for both students and chaperones.

5. Prior to their arrival at the destination, chaperones should inform the students in their charge of:

   a. The conduct expected of them;

   b. The time and place of departure;

   c. Any other information necessary to the conduct of the trip, such as meal arrangements and the location of restrooms.

6. Chaperones should attempt to regulate student conduct. Any significant or persistent disciplinary problem should be reported to the teacher for appropriate action.

D. Emergencies

The following guidelines will be followed in the event of an emergency during a field trip:

1. In the event a student is lost or missing, and all reasonable efforts to find him/her have failed, the teacher shall call the police and Principal. The Principal will inform the Superintendent.

2. In the event of a medical emergency, the teacher shall summon first aid and/or ambulance services. Any medical emergency shall be immediately reported to the Principal. Within twenty-four hours of the trip, the teacher shall file with the Principal a full written report of the emergency and the steps taken to protect the victim's health and safety.

3. In the event of a delay that will bring students back to school later than anticipated and after the end of the school day, the teacher will, as soon as he/she can estimate the actual time of arrival, call the Principal or a person designated by the Principal to remain at the school as emergency coordinator. The Principal or emergency coordinator will:

a. Inform parents/guardians of the delay by telephone;

b. Make the school facilities available to waiting parents or legal guardians;

c. Remain at the telephone to answer incoming calls;

d. Confer with the teacher to be certain all students have been safely dispatched.

4. The teacher in charge should incorporate the field trip experience into students' learning by any one of the following activities:

a. Conducting a discussion and a critical evaluation of the experience;

b. Encouraging creative projects on themes experienced on the field trip;

c. Testing students on information gained and attitudes formed;

d. Assigning students written reports or presentations on the experience.

R 2361 ACCEPTABLE USE OF COMPUTER NETWORKS/ COMPUTERS AND RESOURCES

The school district provides computer equipment, computer services, and Internet access to its students and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources.

For the purpose of this Policy and Regulation, "computer networks/computers" includes, but is not limited to, the school district's computer networks, computer servers, computers, other computer hardware and software, Internet equipment and access, and any other computer related equipment.

For the purpose of this Policy and Regulation, "school district personnel" shall be the person(s) designated by the Superintendent to oversee and coordinate the school district's computer networks/computer systems. School district personnel will monitor networks and online activity, in any form necessary, to maintain the integrity of the networks, ensure proper use, and to be in compliance with Federal and State laws that regulate Internet safety.

Due to the complex association between government agencies and computer networks/computers and the requirements of Federal and State laws, the end user of the school district's computer networks/computers must adhere to strict regulations. Regulations are provided to assure staff, community, students, and parent(s) or legal guardian(s) of students are aware of their responsibilities. The school district may modify these regulations at any time. The signatures of the student and his/her parent(s) or legal guardian(s) on a district-approved Consent and Waiver Agreement are legally binding and indicate the parties have read the terms and conditions carefully, understand their significance, and agree to abide by the rules and regulations established under Policy and Regulation 2361.

Students are responsible for acceptable and appropriate behavior and conduct on school district computer networks/computers. Communications on the computer networks/computers are often public in nature and policies and regulations governing appropriate behavior and communications apply. The school district's networks, Internet access, and computers are provided for students to conduct research, complete school assignments, and communicate with others. Access to computer networks/computers is given to students who agree to act in a considerate, appropriate, and responsible manner. Parent(s) or legal guardian(s) permission is required for a student to access the school district's computer networks/computers. Access entails responsibility and individual users of the district computer networks/computers are responsible

for their behavior and communications over the computer networks/computers. It is presumed users will comply with district standards and will honor the agreements they have signed and the permission they have been granted. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer networks/computers who violate the policies and regulations of the Board.

Computer networks/computer storage areas shall be treated in the same manner as other school storage facilities. School district personnel may review files and communications to maintain system integrity, confirm users are using the system responsibly, and ensure compliance with Federal and State laws that regulate Internet safety. Therefore, no person should expect files stored on district servers will be private or confidential.

The following prohibited behavior and/or conduct using the school district's networks/computers, includes but is not limited to, the following:

1. Sending or displaying offensive messages or pictures;

2. Using obscene language and/or accessing material or visual depictions that are obscene as defined in section 1460 of Title 18, United States Code;

3. Using or accessing material or visual depictions that are child pornography, as defined in section 2256 of Title 18, United States Code;

4. Using or accessing material or visual depictions that are harmful to minors including any pictures, images, graphic image files or other material or visual depictions that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

5. Depicting, describing, or representing in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors;

6. Cyberbullying;

7. Inappropriate online behavior, including inappropriate interaction with other individuals on social networking sites and in chat rooms;

8. Harassing, insulting, or attacking others;

9. Damaging computers, computer systems, or computer networks/computers;

10. Violating copyright laws;

11. Using another's password;

12. Trespassing in another's folders, work or files;

13. Intentionally wasting limited resources;

14. Employing the computer networks/computers for commercial purposes; and/or

15. Engaging in other activities that do not advance the educational purposes for which computer networks/computers are provided.

INTERNET SAFETY

Compliance with Children's Internet Protection Act

As a condition for receipt of certain Federal funding, the school district has technology protection measures for all computers in the school district, including computers in media centers/libraries, that block and/or filter material or visual depictions that are obscene, child pornography and harmful to minors as defined in 2, 3, 4, 5, 6, and 7 above and in the Children's Internet Protection Act. The school district will certify the schools in the district, including media centers/libraries are in compliance with the Children's Internet Protection Act and the district complies with and enforces Policy and Regulation 2361.

Compliance with Neighborhood Children's Internet Protection Act

Policy 2361 and this Regulation establish an Internet safety protection policy and procedures to address:

1. Access by minors to inappropriate matter on the Internet and World Wide Web;

2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

3. Unauthorized access, including "hacking" and other unlawful activities by minors online;

4. Cyberbullying;

5. Inappropriate online behavior, including inappropriate interaction with other individuals on social networking sites and in chat rooms;

6. Unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and

7. Measures designed to restrict minors' access to materials harmful to minors.

Notwithstanding the material or visual depictions defined in the Children's Internet Protection Act and the Neighborhood Children's Internet Protection Act, the Board shall determine Internet material that is inappropriate for minors.

The Board will provide reasonable public notice and will hold one annual public hearing during a regular monthly Board meeting or during a designated special Board meeting to address and receive public community input on the Internet safety protection policy - Policy and Regulation 2361. Any changes in Policy and Regulation 2361 since the previous year's annual public hearing will also be discussed at a meeting following the annual public hearing.

Information Content and Uses of the System

Students may not publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane, or sexually offensive to a reasonable person, or which, without the approval of the Superintendent or designated school district personnel, contains any advertising or any solicitation to use goods or services. A student cannot use the facilities and capabilities of the system to conduct any business or solicit the performance of any activity which is prohibited by law.

Because the school district provides, through connection to the Internet, access to other computer systems around the world, students and their parent(s) or legal guardian(s) should be advised the Board and school district personnel have no control over content. While most of the content available on the Internet is not offensive and much of it is a valuable educational resource, some objectionable material exists. Even though the Board provides students access to Internet resources through the district's computer networks/computers with installed appropriate technology protection measures, parents and students must be advised potential dangers remain and offensive material may be accessed notwithstanding the technology protection measures taken by the school district.

Students and their parent(s) or legal guardian(s) are advised some systems and Internet sites may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal or offensive material. The Board and school district personnel do not condone the use of such materials and do not permit usage of such materials in the school environment. Parent(s) or legal guardian(s) having Internet access available to their children at home should be aware of the existence of such materials and monitor their child's access to the school district system at home. Students knowingly bringing materials prohibited by Policy and Regulation 2361 into the school environment will be disciplined in accordance with Board policies and regulations and such activities may result in termination of such students' accounts or access on the school district's computer networks and their independent use of computers.

On-line Conduct

Any action by a student or other user of the school district's computer networks/computers that is determined by school district personnel to constitute an inappropriate use of the district's computer networks/computers or to improperly restrict or inhibit other persons from using and enjoying those resources is strictly prohibited and may result in limitation on or termination of an offending person's access and other consequences in compliance with Board policy and regulation. The user specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal or offensive material; nor shall a user encourage the use, sale, or distribution of controlled substances. Transmission of material, information or software in violation of any local, State or Federal law is also prohibited and is a breach of the Consent and Waiver Agreement.

Students and their parent(s)or legal guardian(s) specifically agree to indemnify the school district and school district personnel for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the student.

Computer networks/computer resources are to be used by the student for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network

Software libraries on or through the school district's networks are provided to students as an educational resource. No student may install, upload, or download software without the expressed consent of appropriate school district personnel. Any software having the purpose of damaging another person's accounts or information on the school district computer networks/computers (e.g., computer viruses) is specifically prohibited. School district personnel reserve the right to refuse posting of files and to remove files. School district personnel further reserve the right to immediately limit usage or terminate the student's access or take other action consistent with the Board's policies and regulations of a student who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the computer networks/computers without authorization. Students may download copyrighted material for their own use in accordance with Policy and Regulation 2531 - Use of Copyrighted Materials. A student may only redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author or authorized source.

Public Posting Areas (Message Boards, Blogs, Etc.)

Messages are posted from systems connected to the Internet around the world and school district personnel have no control of the content of messages posted from these other systems. To best utilize system resources, school district personnel will determine message boards, blogs, etc. that are most applicable to the educational needs of the school district and will permit access to these sites through the school district computer networks. School district personnel may remove messages that are deemed to be unacceptable or in violation of Board policies and regulations. School district personnel further reserve the right to immediately terminate the access of a student who misuses these public posting areas.

Real-time, Interactive, Communication Areas

School district personnel reserve the right to monitor and immediately limit the use of the computer networks/computers or terminate the access of a student who misuses real-time conference features (talk/chat/Internet relay chat).

Electronic Mail

Electronic mail ("email") is an electronic message sent by or to a person in correspondence with another person having Internet mail access. The school district may or may not establish student email accounts. In the event the district provides email accounts, all messages sent and received on the school district computer networks/computers must have an educational purpose and are subject to review. Messages received by a district-provided email account are retained on the system until deleted by the student or for a period of time determined by the district. A canceled account will not retain its emails. Students are expected to remove old messages within fifteen days or school district personnel may remove such messages. School district personnel may inspect the contents of emails sent by a student to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the policy, regulation, or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, State, or Federal officials in any investigation concerning or relating to any email transmitted or any other information on the school district computer networks/computers.

Disk Usage

The district reserves the right to establish maximum storage space a student receives on the school district's system. A student who exceeds his/her quota of storage space will be advised to delete files to return to compliance with the predetermined amount of storage space. A student who remains in noncompliance of the storage space allotment after seven school days of notification may have their files removed from the school district's system.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a student identifies a security problem on the computer networks/computers, the student must notify the appropriate school district staff member. The student should not inform other individuals of a security problem. Passwords provided to students by the district for access to the district's computer networks/computers or developed by the student for access to an Internet site should not be easily guessable by others or shared with other students. Attempts to log in to the system using either another student's or person's account may result in termination of the account or access. A student should immediately notify the Principal or designee if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any student identified as a security risk will have limitations placed on usage of the computer networks/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

Vandalism to any school district owned computer networks/computers may result in cancellation of system privileges and other disciplinary measures in compliance with the district's discipline code. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other computer networks/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer networks/computers should be used judiciously. Unauthorized printing for other than educational purposes is prohibited.

Internet Sites and the World Wide Web

Designated school district personnel may not establish an Internet site(s) on the World Wide Web or other Internet locations.

Violations

Violations of the Acceptable Use of Computer Networks/Computers and Resources Policy and Regulation may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and/or Regulation, 2361 - Acceptable Use of Computer Networks/Computers and Resources, 5600 - Student Discipline/Code of Conduct, 5610 - Suspension and 5620 - Expulsion as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this Policy shall be determined by the Principal or designee. The Superintendent or designee and the Board shall determine when school expulsion and/or legal action or actions by the authorities is the appropriate course of action.

Individuals violating this Policy shall be subject to the consequences as indicated in Board Policy and Regulation 2361 and other appropriate discipline, which includes but is not limited to:

1. Use of computer networks/computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension from school;
7. Expulsion from school; and/or
8. Legal action and prosecution by the authorities.

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R 2411 GUIDANCE COUNSELING

A. Counseling Services

1. The purpose of guidance and counseling services is to assist students in self-examination, self-evaluation, and analysis of alternatives so that each student can benefit most fully from his/her education and life experiences.

2. Counseling services will include:

   a. Career awareness and exploration, and academic planning through consideration of personal interests, past and potential performance, and present opportunities,

   b. Personal/social development including adjustment to situational problems, understanding of the consequences of personal behavior, and referral to assistance where appropriate, and

   c. Crisis counseling to assist students undergoing extreme emotional reactions that disrupt immediate functioning, including post-crisis planning and referral for treatment as necessary.

3. All counseling services shall be free of bias on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation, gender, gender identity or expression, socioeconomic status, or disability.

B. Career Awareness and Exploration

In fulfillment of the New Jersey Core Curriculum Content Standards, the school district shall provide a comprehensive program of guidance and counseling to facilitate career awareness and exploration for all students which shall be designed to:

1. Assist students in making informed educational and occupational choices;

2. Encourage students to maintain portfolios consisting of accomplishments related to the Cross Content Workplace Readiness Standards;

3. Develop student competency in self management, educational and occupational exploration and career planning;

4. Make students aware of the relationship among personal qualities, education, training and the world of work; and

5. Acquaint students with the relationship between achieving academic standards and the attainment of career goals.

C. Consulting Services

1. The purpose of consulting services is the improvement of the instructional program and the delivery of educational services by the collaboration of those staff members responsible for the instructional program and the development of individual students.

2. Consulting services will include:

   a. Identification of the needs of students,

   b. Identification, evaluation, and program implementation of students with special needs,

   c. Development and implementation of preventive and supportive programs to address such problems as student attendance, violence, and suicide,

   d. Alerting professional staff to the purposes, functions, and availability of guidance and counseling services,

   e. Encouragement of cooperation among teaching staff members and parents in resolving individual student problems and addressing student needs,

   f. Establishment and maintenance of fruitful relationships with State and local agencies for the purpose of professional referral and the sharing of experiences,

   g. Cooperation with business and industry to facilitate student job placement and vocational training, and

   h. Maintenance of a library of occupational and educational information.

D. Evaluation

The program of guidance and counseling will be reviewed annually to determine its strengths and weaknesses. The following information may be gathered and analyzed in that review:

1. Results of surveys of parents and staff evaluations of guidance services;

2. Analysis of the efficacy of outside referrals;

3. Assessments by persons not employed in the school district and expert in the field of guidance and counseling; and

4. The personal evaluations of the guidance and counseling staff members to identify weaknesses in the administration of the program.

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R 2412 HOME INSTRUCTION DUE TO HEALTH CONDITION

The Board of Education shall provide instructional services to an enrolled student whether a general education student in Kindergarten through grade eight or special education student age three to twenty-one, when the student is confined to the home or another out-of-school setting due to a temporary or chronic health condition or a need for treatment that precludes participation in their usual education setting, whether general education or special education.

A. Request For Home Instruction Due To A Temporary or Chronic Health Condition

1. The parent shall submit a request to the Director of Special Services that includes a written determination from the student's physician documenting the projected need for confinement at the student's residence or other treatment setting for more than ten consecutive school days or twenty cumulative school days during the school year.

2. The Director of Special Services shall forward the written determination to the school physician, who shall verify the need for home instruction. The school physician may contact the student's physician to secure additional information concerning the student's diagnosis or need for treatment, and shall either verify the need for home instruction or shall provide reasons for denial to the Director of Special Services.

3. The Director of Special Services shall notify the parent concerning the school physician's verification or reasons for denial within five school days after receipt of the written determination by the student's physician.

B. Providing Services

1. The school district shall provide instructional services within five school days after receipt of the school physician's verification or, if verification is made prior to the student's confinement, during the first week of the student's confinement to the home or out-of-school setting.

2. The school district shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly, through online services, including any needed equipment, or through contract with another district Board of Education, Educational Services Commission, Jointure Commission, or approved clinic or agency for the following categories of students:

a. A student who resides within the area served by this Board of Education and is enrolled in a public school program; or

b. A student who is enrolled in a nonpublic school that is located within the area served by this Board of Education pursuant to N.J.S.A. 18A:46A-1 et seq.

C. Minimum Standards For Home or Out-of-School Instruction

1. The district shall establish a written plan for the delivery of instruction to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress.

2. The teacher providing instruction shall be a certified teacher.

3. The teacher shall provide instruction for the number of days and length of time sufficient to continue the student's academic progress and dependent upon the student's ability to participate.

4. For a student with disabilities, the home instruction shall be consistent with the student's Individualized Education Plan (IEP) to the extent appropriate, and shall meet the Core Curriculum Content Standards. When the provision of home instruction will exceed thirty consecutive school days in a school year, the IEP team shall convene a meeting to review and, if appropriate, revise the student's IEP.

5. For a student without a disability, the home instruction shall meet the Core Curriculum Content Standards and the requirements of the Board of Education for promotion to the next grade level. When the provision of home instruction will exceed sixty calendar days, the school physician shall refer the student to the Child Study Team for evaluation pursuant to N.J.A.C. 6A:14.

R 2414 PROGRAMS AND SERVICES FOR STUDENTS IN HIGH POVERTY AND IN HIGH NEED SCHOOL DISTRICTS

A. Definitions

1. "At-risk-students" means those resident students from households with a household income at or below the most recent Federal poverty guidelines available on October 15 of the prebudget year multiplied by 1.85.

2. "High poverty school district" means a district in which forty percent or more of the students are at-risk students.

3. "High need school district" means a school district in which forty percent or more of the students are at-risk-students and is at one or more of the following proficiency levels on State assessments:

   a. Less than eighty-five percent of total students have achieved proficiency in language arts literacy on the New Jersey Assessment of Skills and Knowledge (NJ ASK) 3;

   b. Less than eighty percent of total students have achieved proficiency in language arts literacy on the NJ ASK 8;

   c. Less than eighty percent of total students have achieved proficiency in language arts literacy on the HSPA;

   d. Less than eighty-five percent of total students have achieved proficiency in mathematics on the NJ ASK 4;

   e. Less than eighty percent of total students have achieved proficiency in mathematics on the NJ ASK 8; and/or

   f. Less than eighty percent of total students have achieved proficiency in mathematics on the high school State assessment.

B. High Need School Districts

1. Implementation Timelines

a. The New Jersey Department of Education shall identify the list of high need school districts based on the State assessments results and shall promptly notify the districts that are classified as high need.

b. In the first school year immediately following such identification as a high need school district, the district shall begin planning for implementation of, and shall implement where possible, the designated program(s) (language arts and/or mathematics literacy) as required below.

c. In the subsequent year following identification as a high need school district, the district shall fully implement the designated program(s).

d. High need school districts, once identified, shall remain in that status and shall continue to implement the designated program(s) for a minimum of three years.

2. Language Arts Literacy – Intensive Early Literacy for Grades Preschool through Three

High need school districts where less than eighty-five percent of total students have achieved proficiency in language arts literacy on the NJ ASK 3 shall provide an intensive early literacy program for preschool to grade three to ensure that all students achieve proficiency on State standards. The intensive early literacy program shall include the following components:

a. An emphasis on small group instruction in at least reading, writing, and technology;

b. A comprehensive early literacy assessment program that includes:

(1) Assessment of English language learners (ELLs) in accordance with N.J.A.C. 6A:15-1.3;

(2) A reading measure used minimally at the beginning of grades Kindergarten through three to determine the reading skills and strategies students have mastered;

(3) On-going performance-based assessments;

(4) A comprehensive diagnostic assessment of individual students who are exhibiting persistent difficulty in reading following a sustained period of targeted instruction; and

(5) An annual end-of-year achievement assessment of reading with a norm-referenced and/or criterion referenced test in grades one and two.

c. At least a daily ninety-minute, uninterrupted language arts literacy block in grades Kindergarten through three with guidance in the use of that time that may include the following instructional strategies:

(1) Use of a reading measure to differentiate student needs;

(2) Small group instruction;

(3) Direct instruction;

(4) Guided reading; and

(5) Shared reading.

d. Instructional materials that include concepts and themes from other content areas;

e. Professional development opportunities for teachers that focus on the elements of intensive early literacy, ways to assist students who exhibit persistent difficulty in reading, or other related topics that have been identified by these teachers as professional development needs and are reflected in the school and school district professional development plans pursuant to N.J.A.C. 6A:9C-4 et seq.;

f. Consistent and adequate opportunities for teachers to discuss and analyze student work, interim progress measures and assessment results, and to plan any modifications in grouping and/or instruction that may be indicated, consistent with this section;

g. A classroom library that reflects the diversity and needs of all students and includes assistive technology;

h. Use of a highly skilled literacy coach or certified teacher to coordinate professional development and collaboration based on the school and school district professional development plan, if documented as necessary to increase achievement of early literacy; and

i. Methods to involve parents and family members in student learning.

3. Language Arts Literacy – Intensive Literacy for Grades Four through Eight

High need school districts where less than eighty percent of total students have achieved proficiency in language arts literacy on the NJ ASK 8 shall implement an intensive literacy program for grades four through eight that includes the following components:

a. A comprehensive literacy assessment for grades four through eight as part of the school district's curriculum to measure individual and group progress indicated below:

(1) Benchmark analysis that gauges students' performance and is used to assist school staff in determining skills that students still need to attain; and

(2) Assessment of English language learners (ELLs) pursuant to N.J.A.C. 6A:15-1.3.

b. Emphasis on small group instruction with scheduling of double periods, including appropriate classroom materials for small group instruction with evidence-based interventions and additional time for students who are not proficient in language arts literacy;

c. Professional development opportunities for teachers and administrators that are based on effective instructional practices including:

(1) Enhancing knowledge of the language arts literacy content and pedagogy to engage all students; and

(2) Learning how and having opportunities to analyze student work and assessment results in a collaborative setting.

d. Involving parents and family members in student learning.

4. Mathematics Literacy – Math Literacy for Students in Grades Three through Four

High need school districts in which less than eighty-five percent of total students have achieved proficiency in mathematics on the NJ ASK 4 shall implement a comprehensive program for mathematics education that prepares students in grades three through four for success in higher order mathematics and that includes the following components:

a. Curriculum that simultaneously develops conceptual understanding, computational fluency, and problem solving skills, with meaningful instruction and a focus on critical mathematics skills as part of a successful learning experience;

b. Mathematical reasoning that occurs in contextual learning;

c. An emphasis on communicating mathematics concepts both verbally and in writing;

d. The use of frequent questions and opportunities for class discussion in addition to the mathematics textbook activities to improve student problem solving ability;

e. Professional development in both mathematics content and in the elements of mathematics pedagogy specified in this section, related to the appropriate grade and based on individual professional needs, pursuant to N.J.A.C. 6A:9C-3 et seq.;

f. Use of appropriate instructional materials, technology, and manipulatives, aligned with the Core Curriculum Content Standards (CCCS) in mathematics, that lead students through concrete, symbolic, and abstract mathematical thinking;

g. Multiple assessments and benchmarks, including use of formative assessments;

h. Differentiated instruction;

i. Explicit mathematics instruction for struggling students to ensure that these students possess the foundational skills and conceptual knowledge necessary for understanding the mathematics they are learning at their grade level; and

j. Methods to involve parents and family members in student learning.

5. Mathematics Literacy – Math Literacy for Students in Grades Five through Eight

High need school districts where less than eighty percent of total students have not achieved proficiency in mathematics on the NJ ASK 8 shall implement a comprehensive program for mathematics education that prepares all students in grades five through eight for success in Algebra at the high school level and incorporates the elements in 5. above.

C. High Poverty School Districts

1. Class Size Requirements

a. Class size in high poverty school districts shall not exceed twenty-one students in grades Kindergarten through three, twenty-three students in grades four and five, and twenty-four students in grades six through eight; provided that if the district chooses to maintain lower class sizes in grades Kindergarten through three, class sizes in grades four and five may equal but not exceed twenty-five students.

b. Exceptions to the class size requirements in C.1.a. above are permitted for some physical education and performing arts classes, where appropriate.

2. Full-Day Kindergarten Requirements

   a. High poverty school districts shall maintain all existing full-day Kindergarten programs with a teacher's aide for each classroom.

   b. Class size for these Kindergarten classrooms shall not exceed twenty-one students.

R 2415 TITLE I SERVICES

The Board of Education elects to augment the instructional program of educationally deprived students 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 student 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 student performance standards;

   b. Provide information on individual student 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 student 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 students 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;

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-student amount of funds allocated to each school attendance area or school shall be at least 125% of the per student 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 student 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 students will be equivalent to those provided to public school students.

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 students 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

Issued: 27 August 2020

R 2415.20 NO CHILD LEFT BEHIND COMPLAINTS

Pursuant to 20 USC 7844, Sec 9304 (a)(3)(C), of the No Child Left Behind Act of 2001 (NCLB), a Board of Education shall adopt a policy and written procedures that offer parent(s) or legal guardian(s), public agencies, other individuals, or organizations a method for receipt and resolution of complaints alleging violations in the administration of the NCLB programs.

A. Complaint Procedure Alleging A Violation By A School, School District, Or Other Agency Authorized By The School District Or The New Jersey Department Of Education (NJDOE)

1. A Complaint is a written allegation that a school, school district, other agency authorized by the school district, or the NJDOE has violated the law in the administration of education programs required by the NCLB Act.

2. A Complaint shall identify:

   a. The alleged NCLB violation;

   b. The facts supporting the alleged violation; and

   c. Any supporting documentation.

3. A Complaint may be submitted in writing or electronically. If a Complaint is submitted electronically, a hard copy should also be sent to the NJDOE via regular mail at the address indicated below.

4. A Complaint shall be submitted to the Director of Special Services. The Complaint shall be in writing and shall be mailed, hand-delivered, or electronically submitted to the Director of Special Services.

5. The Director of Special Services shall be responsible to coordinate the investigation of the allegations in the Complaint.

   a. The Director of Special Services shall acknowledge receipt of the Complaint to the complainant within ten business days of receipt of the Complaint.

b. The Director of Special Services may meet with building and district administrative staff, teaching staff, support staff, students, and/or the complainant(s) to determine if a violation of the administration of a NCLB program has occurred.

c. The Director of Special Services may request additional information from the complainant regarding the Complaint.

d. The Director of Special Services shall submit a written report regarding the outcome of the investigation to the complainant.

e. If the outcome of the investigation concludes a violation has occurred, the Director of Special Services shall identify and impose the appropriate consequences or corrective action to resolve the Complaint.

f. The outcome of the investigation may conclude the Complaint alleges a violation in the administration of a program by the NJDOE and the complainant shall be informed of the NJDOE Complaint Policy and Procedures as outlined in B. below.

6. If the complainant is not satisfied with the outcome of the investigation, the complainant may initiate a Complaint by submitting a written Complaint to the NJDOE to the attention of the Executive County Superintendent. A list of the County Offices of Education and Executive County Superintendents can be found at http://www.state.nj.us/njded/regions/ or by calling (609) 292-4469.

7. When a written Complaint is received by the Executive County Superintendent, the appropriate NJDOE personnel will issue a Letter of Acknowledgement to the complainant within ten business 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. The name and phone number of a contact person for status updates; and

e. A tentative resolution date that is sixty days from the date the written Complaint was received by the County Office.

(1) Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.

8. 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.

9. If a violation has occurred, the Assistant Commissioner assigned to oversee the matter shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.

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

Office of Hearings & Appeals
400 Maryland Avenue, SW
Washington, DC 20202-4611
(202) 619-9700

or at their website at:

http://www.ed-oha.org/index.html

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 NCLB.

2. A Complaint shall identify:

a. The alleged NCLB violation;

b. The facts supporting the alleged violation; and

c. Any supporting documentation.

3. To initiate a Complaint alleging the NJDOE has violated the administration of a NCLB program, a complainant must submit a written Complaint to the New Jersey Department of Education Chief of Staff or the United States Department of Education Secretary at the address indicated below. The NJDOE requests the complainant first contact the New Jersey Department of Education Chief of Staff to resolve the issue.

New Jersey Department of Education
Office of the Chief of Staff
P.O. Box 500
Trenton, New Jersey 08625-0500
(609) 292-4442

U.S. Department of Education
Office of Hearings & Appeals
400 Maryland Avenue, SW
Washington, DC 20202-4611
(202) 619-9700
http://www.ed-oha.org/index.html

4. When a written Complaint is received by the NJDOE, the Chief of Staff will assign the investigation of this Complaint to the Office of Strategic Initiatives and Accountability or other designated office. This Office will issue a Letter of Acknowledgement to the complainant within ten business 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 Department of Education will investigate the Complaint;

c. If necessary, request for additional information regarding the Complaint;

d. The name and phone number of a contact person for status updates; and

e. A tentative resolution date that is sixty days from the date that the written Complaint was received.

(1) Based on the facts of the alleged violation, an extension of time may be required to resolve the Complaint. If an extension is required, the appropriate NJDOE personnel will issue a follow-up letter prior to the initial resolution date informing the complainant of the revised timeframe.

5. The NJDOE Office of Strategic Initiatives and Accountability will coordinate the investigation of a Complaint concerning an alleged violation by the NJDOE. When the investigation is complete, the Chief of Staff will notify the complainant in writing regarding the outcome of the investigation.

6. If it is determined a violation by the NJDOE has occurred, the Chief of Staff shall identify and impose appropriate consequences or corrective actions as required by regulation to resolve the Complaint.

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

New Jersey Department of Education 1/26/07 Memorandum – No Child Left Behind Complaint Policy and Procedure

Issued: 27 August 2020

R 2417 STUDENT INTERVENTION AND REFERRAL SERVICES

The Superintendent will establish, review and implement district-wide procedures for each school building in which general education students are served for the planning and delivery of intervention and referral services that are designed to assist students who are experiencing difficulties and to assist staff who have difficulties in addressing students' learning, behavior, or health needs.

Each Building Principal will establish an Intervention and Referral Team referred to as the Intervention and Referral Services Committee (IRT). The IRT will be comprised of the following:

1. The Principal and a member of the teaching staff who is appointed by the Principal to act on his/her behalf and with his/her authority, shall act as chairperson.

2. A member of the Child Study Team (CST);

3. The staff member who referred a student in need of assistance or identified a school issue for discussion.

4. Such other school staff members as may effectively aid in the development and implementation of the assistance plan for a particular student.

5. The district will provide support, guidance, and professional development to school staff who participate in each building's system for planning and providing intervention and referral services.

Student Referral

1. A student not known to have a disability who is experiencing difficulty in the classroom may be referred to the IRT by any school personnel or by his/her parents/guardians. The student's parents/guardians shall be informed of any such referral.

2. The district will provide support, guidance, and professional development to school staff who identify learning, behavior, and health difficulties.

3. When it appears that a referred student may have a disability, the IRT shall refer the student to the CST for evaluation for a determination of the student's eligibility for special education and/or related services.

4. A member of the IRT shall consult with the student's regular classroom teacher, parents/guardians, and any school employee as appropriate to gather relevant information regarding the student's educational status, attendance, classroom behavior, and school conduct.

5. The school nurse shall review the student's health records and inform the committee of any condition relevant to the student's difficulties. Any information regarding any infection with HIV virus or AIDS may be released only with the written permission of the adult student or the student's parents/guardians.

6. As appropriate, an IRT member may consult with community-based social and health agencies that provide services to the student or the student's family.

Intervention and Referral Action Plans

1. The IRT shall prepare a written action plan for referred students who require supportive services, modifications to their regular educational program, or assessment and referral to school or community-based social and/or health provider agencies.

2. The intervention and referral services action plan shall:

   a. Detail any modifications in the student's educational program;

   b. List the persons who will implement the action plan;

   c. Include any recommendations for assessment and referral to specified school or community-based social and/or health provider agencies;

   d. The parents/guardians shall be actively involved in the development and implementation of any intervention and referral services action plans; and

   e. Identify the committee member to monitor and review the student's progress.

3. The implementation and effectiveness of the intervention and referral services action plan shall be reviewed within eight calendar weeks from the beginning of its implementation. An IRT member shall consult the referring staff member for his/her assessment of the effectiveness of the plan.

4. If the implementation of the action plan is determined to be ineffective, the plan shall be reviewed and amended as necessary. If the review indicates a disability, the student shall be referred to the CST.

Records and Reports

Records of all requests for assistance, intervention and referral services action plans, and related student information shall be maintained in accordance with federal and State laws in accordance with Board policy.

At the end of the school year, the Principal shall, in consultation with the IRT, develop a report on the concerns and problems identified through committee discussions and documented in intervention and referral services action plans. The report shall include:

1. A description of the needs and issues identified through referrals to the committee.

2. An identification and analysis of significant needs and issues that could facilitate school planning for the subsequent year.

3. A description of activities planned in response to the needs and issues significant in school planning.

The Principal's report shall be given to the board and kept on file as a public record.

Issued: 27 August 2020

R 2418 SECTION 504 OF THE REHABILITATION ACT OF 1973 - STUDENTS

It is the policy of the Board of Education that no qualified student with a disability will, solely on the basis of disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board. The Board will also comply with the Individuals with Disabilities Education Act through the implementation of Policy 2460 and Regulations 2460 through 2460.16.

A. Definitions

1. "Accommodation" means a change in the educational setting, instructional strategies, materials, and/or supplementary/related aids and services that does not significantly alter the content of the curriculum or level of expectation for a student's performance, but which allows the student to access the regular general education curriculum.

2. "Act" means the Rehabilitation Act of 1973.

3. "Aids and Services" means aids and services designed to meet the individual student's educational needs to the same extent as the needs of students without disabilities are met. 34 CFR §104.33

4. "Board" means the Board of Education of this school district.

5. "Complainant" means a parent of a student with a disability who files a grievance in accordance with the grievance procedure.

6. "Day" means either calendar or working day, as specified in the Act.

7. "Disability" means, with respect to an individual, that the individual meets one or more of the following three prongs:

   a. A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

   b. A record of such an impairment; or

   c. Being regarded as having such an impairment.

8. "District" means this school district.

9. "District 504 Coordinator" means the district official responsible for the coordination of activities relating to compliance with the Act.

10. "FAPE" means free appropriate public education. FAPE consists of the provision of regular or special education and related aids and services designed to meet the educational needs of a student with a disability to the same extent as the needs of non-disabled students are met.

11. "Grievance" means an unresolved problem concerning the interpretation or application of law and regulations regarding discrimination by reason of a disability by an officer or employee of this district.

12. "Individuals with Disabilities in Education Act" (IDEA) identifies eligible children and young adults who have specific types of disabilities and, thus, require special education and related services. If they qualify, students receiving services through IDEA may also be eligible for services under Section 504 and ADA.

13. "Major life activities" means those of central importance to daily life and include, but are not limited to, functions such as: caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sitting, writing, standing, reaching, lifting, sleeping, bending, speaking, breathing, reading, concentrating, thinking, communicating, interacting with others, learning, and working. "Major life activities" also include physical or mental impairments that substantially limit the operation of a major bodily function, including, but not limited to: functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, reproductive systems, and the operation of an individual organ within a body system. 28 CFR §35.108; 28 CFR §36.105

14. "Mitigating measures" means steps taken to eliminate or reduce the symptoms or impact of an impairment. "Mitigating measures" include, but are not limited to: medication; medical equipment/appliances; mobility devices; low vision devices (not including ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids, cochlear implants, or other implantable hearing devices; oxygen therapy equipment and supplies; the use of assistive technology; reasonable modifications or auxiliary aids or services; learned behavioral or adaptive neurological modifications; and psychotherapy, behavioral, or physical therapies. 42 U.S.C. 126 §12102

a. Mitigating measures, must not be used when determining whether an impairment is a disability except for the use of corrective eyeglasses or contact lenses. Mitigating measures may be considered in assessing whether someone is entitled to reasonable accommodation or poses a direct threat.

15. "Physical or mental impairment" means any physiological disorder or condition such as, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disabilities. 28 CFR §35.108(b)(2) and 28 CFR§36.105(b)4

a. Physical or mental impairments may include, but are not limited to: contagious and noncontagious diseases and conditions; orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; intellectual disability; emotional illness; dyslexia and other specific learning disabilities; Attention Deficit Hyperactivity Disorder (ADHD); Human Immunodeficiency Virus (HIV) (whether symptomatic or asymptomatic); tuberculosis; drug addiction; and alcoholism.

b. Physical or mental impairments do not include: transvestism; transsexualism; homosexuality or bisexuality; gender identity disorders; sexual behavior disorders; pedophilia; exhibitionism; environmental, cultural, and economic disadvantages; pregnancy; physical characteristics; personality traits or behaviors; normal deviations in height, weight, or strength; compulsive gambling; kleptomania; pyromania; and psychoactive substance use disorders resulting from current illegal use of drugs.

c. An impairment that is episodic or in remission may be considered a "disability" if it would substantially limit a major life activity when active.

d. Not all impairments are disabilities.

16. "Qualified student with a disability" means a student with a disability at the preschool, elementary, or secondary level, who is: (1) of an age at which students without disabilities are provided educational services; (2) of an age at which it is mandatory under State law to provide educational services to students with disabilities; or (3) a student to whom a State is required to provide a free appropriate public education under the Individuals with Disabilities Education Act (IDEA).

17. "Record of such an impairment" means has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

18. "Regarded as having an impairment" means the individual establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits or is perceived to substantially limit a major life activity.

    a. For this prong only, the public entity must demonstrate the impairment is or would be both transitory (lasting or expected to last six months or less) and minor to show an individual is not regarded as having such an impairment. 42 U.S.C. 126 §12102(3)(B)

    b. A public entity is not required to provide a reasonable modification to an individual meeting the definition of "disability" solely under the "regarded as" prong.

19. "Section 504" means Section 504 of the Act.

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

21. "Substantially limits" means the extent to which the impairment limits a student's ability to perform a major life activity as compared to most people in the general population, whether or not an individual chooses to forgo mitigating measures. 42 U.S.C. 126 §12102 (4); 28 CFR §35.108(d); 28 CFR §35.105(d) The rules of construction when determining whether an impairment substantially limits a student in a major life activity include:

    a. That it is broadly construed in favor of expansive coverage, to the maximum extent permitted under the Act.

b. That it does not demand extensive analysis.

c. That it substantially limits one major life activity, but not necessarily other major life activities.

d. That it may be episodic or in remission, as long as the disability would substantially limit a major life activity when active.

e. That it need not prevent, or significantly or severely restrict, an individual from performing a major life activity.

f. That it requires an individualized assessment which does not create an "inappropriately high level of limitation" and is based upon the conditions, manner, or duration under which the individual can perform the major life activity 42 U.S.C. 12102(4)(B).

g. That it generally will not require scientific, medical, or statistical evidence (although such evidence can be required where appropriate - evidence that can be considered may include statements or affidavits of affected individuals and school records).

h. That the determination is made without regard to ameliorative effects of mitigating measures, except for the use of ordinary eyeglasses or contact lenses intended to fully correct visual acuity or eliminate refractive error. Non-ameliorative effects, such as the negative side effects of medication or a medical procedure, may also be considered.

i. That the effects of an impairment lasting or expected to last less than six months can be substantially limiting for establishing a disability under the first two prongs: "actual disability" or "record of".

B. District 504 Coordinator - 34 C.F.R. §104.7(a)

1. The District 504 Coordinator will be responsible for the initial evaluation of all allegations, reasonable accommodations (if required), and re-evaluations.

2. The District 504 Coordinator will comply with the mediation and due process requirements pursuant to N.J.A.C. 6A:14-2.6 and 6A:14-2.7 where applicable in cases arising from Section 504.

C. Educational Program

1. General:

a. The Board will not, on the basis of a disability, exclude a student with a disability from a program or activity and will take into account the needs of such student in determining the aid, benefits, or services to be provided under a program or activity.

b. Identification for special education services under IDEA and accommodations under Section 504 are not mutually exclusive.

c. Students not otherwise eligible for special education programs and/or related services pursuant to N.J.A.C. 6A:14-1 et seq. may be referred to the District 504 Coordinator by the parent or staff member.

d. The Board will provide reasonable accommodation(s) to students with disabilities notwithstanding any program and/or related services required pursuant to N.J.A.C. 6A:14-1 et seq.

D. Free Appropriate Public Education (FAPE) - 34 CFR §104.33

1. FAPE must be provided without cost to the student's parent, except for those fees imposed on a parent of a non-disabled student.

2. The district may place a student with a disability in or refer such student to a program other than one it operates as its means of carrying out the provisions of this Regulation.

a. The district will continue to maintain responsibility for ensuring the requirements of the Act are met in respect to any student with a disability so placed or referred.

b. The district will ensure adequate transportation to and from the program, provided at no greater cost than would be incurred by the parent if the student were placed in a program operated by the district.

(1) The administration will consider the proximity of any alternative setting to the student's home.

(2) If a public or private residential placement is necessary to provide FAPE to a student with a disability, the placement, including non-medical care, room, and board, shall be provided at no cost to his/her parent.

E. Evaluation and Placement - 34 CFR §104.35

1. The Board will establish standards and procedures for initial evaluations and periodic re-evaluations of students who need or are believed to need special education and/or related services on the basis of disability.

a. Section 504 evaluations may encompass record and work sample review; direct observation in the natural setting; interviews with the student, parent, and school personnel; and/or administration of assessment measures. They do not include independent evaluations.

b. It may be determined that additional data is required, including the administration of formal standardized instruments and data on conditions in remission or episodic in nature. Tests and other evaluation materials must meet the following criteria:

(1) Validated for the specific purpose for which they are used and administered by trained personnel;

(2) Tailored to assess specific areas of educational need and not merely those designed to provide a single intelligence quotient; and

(3) Accurately reflect aptitude or achievement or whatever else the tests purport to measure, rather than the student's impaired sensory, manual, or speaking skills (unless the test is designed to measure these particular factors).

2. In interpreting evaluation data and in making placement decisions, the district will:

a. Draw information from a variety of sources, including, but not limited to: aptitude and achievement tests, medical evaluations, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;

b. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;

c. Ensure that placement decisions are made by a group of persons, including persons knowledgeable about the student, the meaning of the evaluation data, and placement options; and

d. Ensure that placement decisions are made in conformity with this Regulation and 34 CFR §104.34.

3. The District 504 Coordinator will establish timelines for re-evaluations of students receiving reasonable accommodation(s). A parent may request a re-evaluation at any time upon written request to the District 504 Coordinator.

4. Copies of requests for evaluation and related documents will be maintained in a designated Section 504 file folder placed in the student's cumulative record.

F. Section 504 and Special Education

1. A student who qualifies for Section 504 services may not qualify for special education under IDEA; likewise, a student who qualifies under IDEA may not qualify under Section 504.

2. A referral for a Section 504 evaluation may be made concurrently with a pending special education evaluation. In such instances, the Section 504 evaluation should be conducted during the same timeline utilized for the special education assessment. Generally, the Section 504 evaluation should be conducted in less than sixty days.

3. If a student is found eligible under Section 504 prior to the special education team's findings, a Section 504 Accommodation Plan will be developed pending the special education team's findings. If the student is then found eligible for special education, an Individualized Education Program (IEP) will be developed and the IEP team can incorporate into the IEP any accommodations/services provided in the Section 504 Accommodation Plan.

4. A separate Section 504 team meeting will be convened when a student is identified as eligible for special education and no longer requires accommodations/services under Section 504.

5. When an IEP team determines a student is not eligible or no longer eligible for special education, there may be circumstances when a Section 504 referral for evaluation may be appropriate and should be considered. The IEP team may document the student is being referred for a Section 504 evaluation, and the eligibility evaluation shall be addressed in a separate Section 504 team meeting.

G. Section 504 Accommodation Plan

1. The District 504 Coordinator will assist in organizing a team of individuals responsible for receiving referral documents; securing evaluation information; and determining eligibility and appropriate accommodations, related aids or services for eligible students with disabilities. The team must be comprised of people who:

   a. Are knowledgeable about the student;

   b. Understand the meaning of evaluation data; and

   c. Are familiar with placement options.

2. The District 504 Coordinator, based on the evaluation of the student eligible for services under Section 504, will prepare a Section 504 Accommodation Plan which may include as relates to the student:

   a. Name;

   b. Date of birth;

   c. Current educational placement;

   d. Name of the District 504 Coordinator preparing the Section 504 Accommodation Plan;

   e. Disabling condition:

      (1) Major life activity impaired;

      (2) Educational impact; and

      (3) Impact on related educational progress.

f. Accommodation (as appropriate):

(1) Physical and learning environment;

(2) Instructional;

(3) Behavioral;

(4) Evaluation;

(5) Medical; and/or

(6) Transportation.

g. Other:

(1) List of individuals participating in the development of the plan, along with their titles and the date(s) of their participation.

(2) Certification by the student's parent that he or she has participated in the development of the plan and provided consent to its implementation.

(3) A waiver of the fifteen days' notice prior to the implementation of the plan by the parent if the plan is to be implemented sooner than the fifteen days.

3. A Section 504 Accommodation Plan should not:

a. Modify the curriculum;

b. Exempt a student from a course or subject required for graduation;

c. Alter the level of expectation for a student's performance;

d. Provide an extended time accommodation only for standardized testing when it is not required as part of the regular program of evaluation;

e. Include any testing accommodations unless authorized by the testing agency; and

f. Assign responsibility for implementing Section 504 accommodations to another student.

4. A Section 504 Accommodation Plan should:

   a. Directly relate to a student's identified needs;

   b. Be specific, measurable, and tailored to meet students' identified needs to allow for consistent implementation;

   c. Be written to incorporate specific symptoms, behavior, or triggers that elicit implementation of the accommodation or service if required only occasionally; and

   d. Clearly state how much extended time is required based upon a student's identified needs, if the Section 504 team determines such an accommodation is appropriate.

5. Students needing medication:

   a. Not all students needing medication administered by school staff will require a Section 504 Accommodation Plan. It is not necessary to qualify a student as having a disability that substantially limits a major life activity under Section 504 in order to provide a service that schools perform for all general education students.

   b. A Section 504 referral with the potential for a subsequent Section 504 Accommodation Plan is appropriate when a student is found to have a disability that substantially limits a major life activity and needs medication administered on a systematic basis to receive equal access to the educational program.

H. Nonacademic/Extracurricular Services - 34 CFR §104.37

1. Nonacademic and Extracurricular Services may include counseling, physical recreational athletics, transportation, health services, recreational activities, special interest groups or school clubs, and/or referrals to agencies which provide assistance to students with disabilities and student employment.

2. The Board and administration will ensure that students with disabilities are not counseled toward more restrictive career objectives than are nondisabled students with similar interests and abilities.

3. The Board will provide to students with disabilities equal opportunity as afforded nondisabled students for participation in physical education courses, athletics, and similar programs and activities.

   a. The district may offer students with disabilities physical education and athletic activities that are separate or different from those offered to nondisabled students only if the separation or differentiation is consistent with the requirements of 34 CFR §104.34 and only if no student with a disability is denied the opportunity to compete or to participate.

I. Grievance Procedure - 34 CFR §104.7(b)

1. This grievance procedure shall apply to a student with a disability alleging discrimination under the provisions of Section 504 of the Rehabilitation Act of 1973.

2. The parent who believes his or her child has a valid basis for a grievance under Section 504 shall file an informal complaint in writing with the District 504 Coordinator stating the specific facts of the grievance and the alleged discriminatory act.

3. The District 504 Coordinator will make reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff including, but not limited to: the Principal, Child Study Team staff, and/or classroom teacher(s).

4. The District 504 Coordinator will investigate and document the complaint including dates of meetings, dispositions, and date(s) of dispositions. The District 504 Coordinator will provide a written decision to the complainant within seven working days of the written complaint.

5. If the complainant is not satisfied with the District 504 Coordinator's written decision, the complainant may appeal the decision in writing, setting out the circumstances that give rise to the alleged grievance. This written appeal must be filed with the District 504 Coordinator within three working days of the complainant's receipt of the written decision. The written appeal must state the basis for the appeal and the remedy sought by the complainant.

6. The District 504 Coordinator will appoint a qualified hearing officer within seven working days of the receipt of the written appeal. The hearing officer will conduct a hearing within seven working days of receipt of the written appeal. The hearing officer will give the parent a full and fair opportunity to present evidence relevant to the issues raised under the initial grievance. The parent may, at his or her own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present a written decision to the District 504 Coordinator and aggrieved individual within seven working days of the hearing.

7. The complainant may file a written appeal to the Board if not satisfied with the hearing officer's decision provided the written appeal is submitted to the Superintendent within three working days of the complainant's receipt of the hearing officer's written decision. The Board may, but is not required to, conduct a Board hearing on the appeal.

8. The complainant may request mediation and due process in accordance with N.J.A.C. 6A:14-2.6 and 2.7 if unsatisfied with the written decision of the Board. If specifically requested by the parent, the aforementioned N.J.A.C. 6A:14-2.6 and 2.7 grievance procedures must be followed.

Adopted: 27 August 2020

R 2423 BILINGUAL AND ESL EDUCATION

A. Definitions

1. "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 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.

2. "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.

3. "Bilingual resource program" means a program alternative in which students receive daily instruction from a certified bilingual teacher in identified subjects and with specific assignments on an individual student basis.

4. "Bilingual tutorial program" means a program alternative in which students are provided 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.

5. "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 students and for native English speaking students enrolled in the program.

6. "Educational needs" means the particular educational requirements of ELLs; the fulfillment of which will provide them with equal educational opportunities.

7. "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 which 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.

8. "English language development standards" means the 2012 Amplification of the English Language Development Standards, Kindergarten - Grade 12, incorporated herein by reference, as amended and supplemented, developed by the World-Class Instructional Design and Assessment (WIDA) Consortium. They are the standards and language competencies ELLs in preschool programs and elementary and secondary schools need to become fully proficient in English and to have unrestricted access to grade-appropriate instruction in challenging academic subjects. The standards are published by the Board of Regents of the University of Wisconsin System, on behalf of the WIDA Consortium (www.wida.us) and are available for review at http://www.wida.us/standards/eld.aspx.

9. "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.

10. "English language proficiency test" means a test that measures English language skills in the areas of aural comprehension, speaking, reading, and writing.

11. "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.

12. "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.

13. "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.

14. "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. All students in an instructional program alternative receive English as a second language.

15. "Native language" means the language first acquired by the student, the language most often spoken by the student, or the language most often spoken in the student's home regardless of the language spoken by the student.

16. "Parent(s)" for the purposes of Policy and Regulation 2423 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.

17. "Review process" means the process established by the Board of Education to assess ELLs for exit from bilingual, ESL, or English language services programs.

18. "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)

1. The Superintendent of Schools will designate a teaching staff member(s) who will determine the native language of each ELL at the time of enrollment of the student in the school district. The district will:

   a. Maintain a census indicating all students identified whose native language is other than English; and

   b. Develop a screening process, initiated by a home-language survey, to determine which students in Kindergarten to grade eight, of those whose native language is other than English, must be tested to determine English language proficiency. The screening shall be conducted by a bilingual/ESL or other certified teacher, and shall be designed to distinguish students who are proficient English speakers and need no further testing.

2. The district shall determine the English language proficiency of all Kindergarten to grade eight students who are not screened out and whose native language is other than English, by administering a Department of Education-approved 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 standard on a Department-approved 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)

1. All Kindergarten through grade eight ELLs enrolled in the district pursuant to N.J.S.A. 18A:7F-46 will be provided with all required courses and support services outlined in a. through g. below to prepare ELLs to meet the Core Curriculum Content Standards 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.

a. The Board of Education 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.

b. The Board of Education shall establish an ESL program that provides at least one period of ESL instruction based on student language proficiency whenever there are ten or more ELLs enrolled in the school district.

(1) 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.

(2) The ESL curriculum will 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.

c. The Board of Education 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. The bilingual education programs shall:

(1) Be designed to prepare ELLs to acquire sufficient English skills and content knowledge to meet the Core Curriculum Content Standards. All ELLs participating in the bilingual programs shall also receive ESL instruction;

(2) Include a curriculum that addresses the Core Curriculum Content Standards, the WIDA English language development standards, and the use of two languages. The bilingual education curriculum shall be adopted by the Board; and

(3) Include a 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.

d. ELLs shall be provided with equitable instructional opportunities to participate in all non-academic courses necessary to meet the Core Curriculum Content Standards, 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.

e. The Board of Education 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.

f. The Board of Education 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.

2. The Board of Education may establish a program in bilingual education for any language classification with fewer than twenty students.

D. Waiver Process Provided by Statute

The school district may request a waiver from N.J.A.C. 6A:15-1.4(d) to establish annually an instructional program alternative with the approval of the Department of Education when there are twenty or more students eligible for the bilingual education program in 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 Core Curriculum Content Standards.

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. Department of Education Approval of Bilingual, ESL, or English Language Services Programs

1. Each school district providing a bilingual program, ESL program, or English language services shall submit a plan every three years to the New Jersey Department of Education for approval. At its discretion, the Department of Education may request modifications, as appropriate. Plans submitted by the school district for approval shall include information on the following:

   a. Identification of students;

   b. Program description;

   c. Number of certified staff hired for the program;

   d. Bilingual and ESL curriculum development;

   e. Evaluation design;

   f. Review process for exit; and

   g. A budget for bilingual and ESL programs or English language services.

2. The Department of Education will establish procedures for monitoring and evaluation of school district bilingual/ESL programs by means of its district and school accountability process.

F. Supportive Services

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 it 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

1. A plan shall be developed 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 Core Curriculum Content Standards and the WIDA English language development standards. All ESL and bilingual 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

All teachers in these programs will hold the following certifications:

1. Bilingual Classes - a valid New Jersey instructional certificate with an endorsement for the appropriate grade level and/or content area, as well as an endorsement in bilingual education pursuant to N.J.S.A. 18A:6-38 et seq. and 18A:35-15 to 26.

2. ESL Classes - 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. English Language Services - a valid New Jersey instructional certificate.

I. Bilingual, English as a Second Language, and English Language Services Program Enrollment, Assessment, Exit, and Re-entry

1. All ELLs from Kindergarten through grade eight shall be enrolled in the bilingual, ESL, or English language services program established by the Board of Education as prescribed in N.J.A.C. 6A:15-1.4(b) through (e) and 1.5(a), 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 a Department of Education-approved English language proficiency test to determine their progress in achieving English language proficiency goals and readiness for exiting the program.

3. ELLs enrolled in the bilingual, ESL, or English language services program shall be placed in a monolingual English program when they have demonstrated readiness to function successfully in an English-only program. The process to determine the readiness or inability of the individual student to function successfully in the English-only program shall be initiated by the student's level of English proficiency as measured by a Department of Education-established standard on an English language proficiency test. The readiness of the student shall be further assessed on the basis of multiple indicators that shall include, 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.

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.

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, he/she 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 of Education 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. Location of Programs

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.

K. Notification

1. The school district will 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 program. The district shall issue the notification within thirty days of the child's identification. Notice shall include a statement that the parents may decline their child's enrollment in a bilingual program, and they shall be given an opportunity to do so if they choose. The notice shall be in writing and in the language in which the parent(s) possesses a primary speaking ability, and in English, and shall include the following information:

   a. Why the student was identified as an ELL;

   b. Why the student needs to be placed in a language instructional educational program that will help him or her develop and attain English proficiency and meet State academic standards;

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 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

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

M. Parental Involvement

1. The Superintendent or designee will 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.

2. A school district that implements a bilingual education program shall establish a parent advisory committee on bilingual education of which the majority will be parents of ELLs.

Issued: 27 August 2020

R 2430 CO-CURRICULAR ACTIVITIES

A. Definition

"Co-curricular activities" means activities conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board of Education; "co-curricular activities" also includes the student clubs, associations, and organizations that conduct those activities. "Co-curricular activities" does not include athletic competitions or practices or athletic teams or organizations.

B. Recognition

1. All co-curricular activities must be approved by the Board. An organization of students or an activity conducted by and for students becomes a co-curricular activity only when it has been duly approved by the Board.

2. The Board will approve annually and maintain a list of approved co-curricular activities, which will be distributed to Principals. The list will include:

   a. Those co-curricular activities that have been in operation and have been found to address satisfactorily a continuing need,

   b. Newly approved co-curricular activities,

   c. A brief description of each approved activity,

   d. The name of the advisor of each activity, and

   e. The name of the custodian of the activity's fund.

3. A new co-curricular activity may be initiated in accordance with the following procedures:

   a. A written proposal for the new activity must be submitted to the Board Office. The proposal will include;

      (1) The name and purpose of the proposed activity and the date of the request,

      (2) The name of a faculty member who has agreed to be its advisor,

(3) A plan for the use of school facilities, including the facility required, the times and frequency of use, and the portion of the school year the facility will be used,

(4) The need, if any, for support personnel or services,

(5) A description of the activities that participating students will conduct;

(6) An estimation of the costs, if any, that the activity will incur,

(7) A statement as to whether or not the proposed activity will involve fund raising and, if fund raising will be involved, the use that will be made of those funds,

(8) The manner in which student leaders will be chosen and organizational decisions will be made,

(9) The number of students who intend to participate in the activity, and

(10) Qualifications for participation, if any, and, if students must qualify on a basis other than interest and availability, the rationale for that qualification.

b. A duly submitted proposal for a new co-curricular activity will be approved if:

(1) Its objectives are in harmony with the educational goals adopted by the Board;

(2) It is designed to meet assessed student needs and interests;

(3) At least twelve students have expressed an intention to participate in the activity;

(4) Participation is open to all interested students available for participation or, if participation is limited, any qualifications for participation are reasonably justified by the purpose of the activity;

(5) The proposed use of school facilities does not interfere with the instructional program or the conduct of established co-curricular activities; and

(6) The proposed activity will be properly supervised.

C. Student Participation

1. The program of co-curricular activities should be sufficiently varied to meet the wide range of students' vocational, recreational, social, and cultural needs and interests.

2. All students will be provided with information on co-curricular activities at the start of the school year and will be invited to participate in one or more activities.

3. Eligibility standards are set forth in Policy No. 2430.

4. When a student becomes ineligible for participation in co-curricular activities by reason of poor attendance or poor academic performance, his/her teacher will so inform the advisors of the co-curricular activities in which the student participates. The advisor will suspend the student's participation, except as exempted by Policy No. 2430.

5. A student who has been suspended from participation in co-curricular activities for reason of poor attendance will be offered an opportunity to work out a plan for improved attendance with the Principal. If the student adheres to the plan and demonstrates his/her improved attendance within a period of not less than ten school days, the student may be reinstated to participation in co-curricular activities.

6. A student who has been suspended from participation in co-curricular activities for reason of poor academic performance will be offered an opportunity to establish with the Principal performance goals in the subject(s) in which he/she is performing below expectation. The performance goals should include concrete objectives and timelines for improvement. When the student meets the agreed upon performance goals, he/she may be reinstated to participation in co-curricular activities.

D. Supervision

1. Each co-curricular activity must be supervised by at least one staff member appointed by the Board as advisor.

2. The Superintendent will provide appropriate in-service training for co-curricular advisors.

3. Co-curricular advisors will be provided with an advisors' handbook that includes, as a minimum, these regulations and detailed school procedures for the conduct of co-curricular activities.

4. Each co-curricular advisor shall:

   a. Meet regularly and promptly with participating students at the assigned time and place of the activity and ensure an orderly environment appropriate to the purpose of the activity;

   b. Instruct participating students in the purpose and conduct of the activity and explain any rules and/or standards to be observed in the conduct of the activity;

   c. Encourage participating students to take appropriate responsibility for the conduct and leadership of the activity;

   d. Prepare and submit to the Superintendent a calendar of activities for the school year;

   e. Prepare and maintain a membership list of participating students, keep an attendance record, and submit the membership list to the Principal;

   f. Ascertain that each participating student is involved in the activity to the extent commensurate with his/her interests and abilities;

   g. Report periodically or as required to the Principal on the conduct and/or achievements of the activity;

   h. Take all reasonable and necessary steps to safeguard the health and safety of participating students, including the prohibition of hazing and similar initiation rites;

i. Ensure the proper accounting and deposit of any funds raised or collected by the activity, in accordance with Policy No. 6660; and

j. Cooperate with the Principal in a year-end evaluation of the activity.

5. The advisor responsible for an activity scheduled for an evening or a weekend (such as a performance or social event) should consult Regulation No. 5850 and No. 9161 and should:

a. Request permission for the activity from the Board Office and for the use of the facility from the Business Office;

b. Provide publicity and advertising information to the Board Office at least five business days in advance of the event;

c. Order any necessary tickets and/or program, correct proofs, and print;

d. Provide for any music required by hiring musicians and/or collecting records and tapes;

e. Arrange with the Principal for the provision of any additional security and/or traffic services, in accordance with Regulation No. 9320;

f. Arrange for any required audio or lighting equipment and supplies;

g. Provide for the checking of participants' and spectators' outerwear;

h. Provide for any food services that will be required;

i. Arrange for ushers and chaperones;

j. Provide for the prompt deposit of any moneys collected; and

k. After the event, report to the Business Office;

(1) The number of tickets sold,

(2) The number of persons who attended the event,

(3) The amount of money collected and deposited, and

(4) An evaluation of the event, including an account of any unusual incidents.

6. Staff members other than the activity advisor should attend activities as follows:

   a. An administrator should be assigned to attend each evening and each weekend co-curricular activity;

   b. Teachers are encouraged to support and attend a function that has been planned and prepared by a significant proportion of the students assigned to them;

   c. All faculty members are encouraged to support and attend special co-curricular events that involve a significant degree of student planning and preparation such as plays, concerts, and dances.

E. Evaluation

1. An evaluation of each co-curricular activity will be conducted by the Principal and the advisor at the end of the school year or the conclusion of the activity.

2. The evaluation will measure the activity against its stated objectives to determine if the objectives were met. Criteria may include:

   a. Membership and attendance records;

   b. Regularity of meetings;

   c. The planning and execution of special events;

   d. Evidence of student leadership and assumption of responsibility; and

   e. Such other indicia of students' growth and development as the evaluators may choose.

3. The evaluation will include recommendations for the improvement of the activity or, if so indicated, for the cancellation of the activity.

4. The written evaluation will be signed by the Principal and the advisor and sent to the Superintendent no later than five business days after the event.

5. The Principal will conduct an annual evaluation of the overall program of co-curricular activities. That evaluation should consider whether the program has resulted in:

   a. Improvement in school attendance;

   b. Improvement in academic performance;

   c. Increased participation in school activities; and

   d. Improvement in school morale and student behaviors.

F. Records

1. A student's participation in co-curricular activities shall be recorded in his/her record, will be preserved for the duration of the student's enrollment in the school, and may be released only in accordance with Policy No. 8330.

2. Records of the conduct of co-curricular activities will be maintained by the Principal and will include, as appropriate to the activity:

   a. The period in which the activity occurred;

   b. The numbers of participating students in each school year and/or present at each co-curricular event;

   c. The name of the activity advisor;

   d. The printed product of the activity, such as copies of the school newspaper or literary collection;

   e. Copies of reports of the activity in newspapers and/or other public relations releases; and

   f. The financial records of the activity.

Issued: 27 August 2020

R 2431.1 EMERGENCY PROCEDURES FOR ATHLETIC PRACTICES AND COMPETITIONS

A. Definitions

1. "Programs of athletic competition" means all activities relating to competitive sports contests, games, events, or sports exhibitions involving individual students or teams of students when such events occur within or between schools within this district or with any schools outside this district. The programs of athletic competition shall include, but are not limited to, 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.

2. "Health personnel" means the school nurse, the school medical inspector, the designated team doctor, a licensed physician, and members of the first aid squad or ambulance team.

3. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

4. "Student" means a student enrolled in this district and a student enrolled in any district who is present in this district for the purpose of participating in a program of athletic competition sponsored by the Board of Education.

B. Precautions

1. All coaches, including assistant coaches, will be trained in first aid to include sports-related concussions and head injuries, the identification of injured and disabled student athletes, and any other first aid procedures required by statute, administrative code, or by the Superintendent.

2. Athletic coaches are responsible at all times for the supervision of students to whom they have been assigned. Students shall not be left unattended at any time.

3. Students who participate in athletic competition shall be trained in proper athletic procedures, in the proper use of athletic equipment, and in the proper use of protective equipment and clothing.

4. Student athletes shall be required to report promptly to the athletic coach any injury or disability occurring to the student himself/herself or to another student.

5. First aid supplies and equipment shall be readily available at all athletic activities and shall be maintained in proper condition.

6. First aid and emergency medical procedures will utilize universal precautions in handling blood and body fluids as indicated in Policy and Regulation No. 7420 and Regulation No. 7420.1.

7. Health personnel, including but not limited to, the athletic trainer, school/team physician, and ambulance/first aid squad may be present at athletic activities and events as determined by the Superintendent.

C. Emergency Procedures

The following procedures shall be implemented whenever a student athlete is injured or disabled in the course of an athletic practice or competition sponsored by this district.

1. The athletic coach shall immediately notify the health personnel present at the activity and the health personnel shall assume responsibility for the emergency treatment of the student.

2. If no health personnel are present, or if none can be immediately summoned to the student's aid, the athletic coach shall administer such first aid as may be necessary.

3. If the student's injury or disability requires more than routine first aid, the athletic coach shall:

   a. Summon emergency personnel by calling 911; or

   b. Arrange for the student's transportation to the nearest hospital or the office of the school medical inspector.

4. The athletic coach or his/her designee shall promptly notify the Building Principal, the Superintendent, and the student's parent(s) or legal guardian(s) of the student's injury or disability and the condition and location of the student.

5. An injured or disabled student who has been transported away from school premises must be accompanied by the athletic coach, a member of the athletic department, a health professional, or other responsible adult known to the athletic coach.

6. These emergency procedures shall be followed when the injured or disabled student is a member of a visiting team or district. In the event the visiting team has health personnel or staff members present, every effort shall be made to cooperate with the health personnel and/or staff of the district in which the student is enrolled.

D. Reports

1. The athletic coach shall complete and file a report of every injury or disability that occurs to a student in the course of his/her participation in the athletic program of this district, regardless of the severity of the injury or disability. The report shall include:

   a. The date of the incident;

   b. The name, age, grade level, and gender of each injured or disabled student;

   c. The district in which the student is enrolled;

   d. The name and district of each student involved in the incident;

   e. A narrative account of the incident;

   f. A detailed description of the injury or disability;

   g. The treatment given on school premises and the names of the health personnel, if any, who treated the student;

   h. The place, if any, to which the student was taken and the persons who accompanied the student; and

   i. A memorandum of the notice given to the student's parent(s) or legal guardian(s).

2. Copies of the report shall be filed with the school nurse and the Building Principal within twenty-four hours or by the end of the next school day after the incident.

3. The Building Principal shall report the incident to the Superintendent, who may report the incident to the Board.

4. A copy of each report of an incident of student injury or disability that occurs in the course of athletic activities shall be maintained by the athletic director, who shall analyze reports for patterns that indicate a need for revision of the district's safety and/or athletics program. The athletic director shall report the findings of his/her analysis to the Superintendent at the close of each sport season.

5. The parent(s) or legal guardian(s) of each injured or disabled student will be given assistance in the completion and filing of insurance claim forms.

E. Readmission to Athletic Activities

A student injured or disabled in the course of an athletic activity will be permitted to participate in athletic competition only on the written permission of the school medical inspector or designated team doctor, who must first examine the student to determine his/her fitness to participate in athletics. Written notice of that determination, signed by the school medical inspector or designated team doctor as appropriate, shall be given to the student's parent(s) or legal guardian(s). The prevention and treatment of suspected sports-related concussions and head injuries shall be in accordance with the provisions of N.J.S.A. 18A:40-41.1 et seq. and Policy and Regulation 2431.4.

Adopted: 27 August 2020

R 2431.2 MEDICAL EXAMINATION PRIOR TO PARTICIPATION ON A SCHOOL-SPONSORED INTERSCHOLASTIC OR INTRAMURAL TEAM OR SQUAD

Students are required to receive medical examinations in accordance with the provisions of N.J.S.A. 18A:40-41.7 and N.J.A.C. 6A:16-2.2(f) and (h). Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility.

The school district shall ensure students receive medical examinations in accordance with N.J.A.C. 6A:16-2.2(h) and prior to participation on a school-sponsored interscholastic or intramural team or squad for students in grades six through eight.

A. Required Medical Examination

1. The examination shall be conducted within 365 days prior to the first day of official practice in an athletic season and shall be conducted by a licensed physician, advanced practice nurse (APN), or physician assistant (PA).

2. The physical examination shall be documented using the Preparticipation Physical Evaluation (PPE) form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine and is available online at, http://www.state.nj.us/education/students/safety/health/records/athleticphysicalsform.pdf, in accordance with N.J.S.A. 18A:40-41.7.

   a. Prior to performing a preparticipation physical examination, the licensed physician, APN, or PA who performs the student-athlete's physical examination shall complete the Student-Athlete Cardiac Screening professional development module and shall sign the certification statement on the PPE form attesting to the completion, pursuant to N.J.S.A. 18A:40-41.d.

(1) If the PPE form is submitted without the signed certification statement and the school district has confirmed that the licensed physician, APN, or PA from the medical home did not complete the module, the student-athlete's parent may obtain a physical examination from a physician who can certify completion of the module or request that the school physician provides the examination.

b. The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, APN, or PA.

c. An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.

3. Each student whose medical examination was completed more than ninety days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire completed and signed by the student's parent. The completed health history update questionnaire shall include information listed below as required by N.J.S.A. 18A:40-41.7.b. The completed health history update questionnaire shall be reviewed by the school nurse and, if applicable, the school athletic trainer and shall include information as to whether, in the time period since the date of the student's last preparticipation physical examination, the student has:

a. Been advised by a licensed physician, APN, or PA not to participate in a sport;

b. Sustained a concussion, been unconscious, or lost memory from a blow to the head;

c. Broken a bone or sprained, strained, or dislocated any muscles or joints;

d. Fainted or blacked out;

e. Experienced chest pains, shortness of breath, or heart racing;

f. Had a recent history of fatigue and unusual tiredness;

g. Been hospitalized, visited an emergency room, or had a significant medical illness;

h. Started or stopped taking any over the counter or prescribed medications; or

i. Had a sudden death in the family, or whether any member of the student's family under the age of fifty has had a heart attack or heart trouble.

4. The school district shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.

5. The Board of Education will not permit a student enrolled in grades six to eight to participate on a school-sponsored interscholastic or intramural team or squad unless the student submits a PPE form signed by the licensed physician, APN, or PA who performed the physical examination and, if applicable, a completed health history update questionnaire, pursuant to N.J.S.A. 18A:40-41.7.c.

B. Sudden Cardiac Arrest Pamphlet

The school district shall distribute to a student participating in or desiring to participate in an athletic activity and the student's parent, each year and prior to participation by the student in an athletic activity, the sudden cardiac arrest pamphlet developed by the Commissioner of Education in accordance with the provisions of N.J.S.A. 18A:40-41.

1. A student and his or her parent shall, each year and prior to the participation of the student in an athletic activity, sign and return to the student's school the form developed by the Commissioner acknowledging the receipt and review of the information pamphlet, pursuant to N.J.S.A. 18A:40-41.d.

2. The Commissioner shall distribute the pamphlet, at no charge, to all school districts and nonpublic schools, pursuant to N.J.S.A. 18A:40-41.b.

3. "Athletic activity" for the purposes of N.J.S.A. 18A:40-41 means: interscholastic athletics; an athletic contest or competition, other than interscholastic athletics, that is sponsored by or associated with a school district or nonpublic school, including cheerleading and club-sponsored sports activities; and any practice or interschool practice or scrimmage for those activities.

C. Use and Misuse of Opioid Fact Sheet

The school district shall annually distribute to the parents of student-athletes participating in an interscholastic sports program or cheerleading program the educational fact sheet developed by the Commissioner of Education concerning the use and misuse of opioid drugs in the event that a student-athlete or cheerleader is prescribed an opioid for a sports-related injury in accordance with the provisions of N.J.S.A. 18A:40-41.10.

1. The district shall distribute the educational fact sheet annually to the parents of student-athletes and cheerleaders and shall obtain a signed acknowledgment of the receipt of the fact sheet by the student-athlete or cheerleader and his or her parent pursuant to N.J.S.A. 18A:40-41.10(b).

2. The fact sheet and sign-off sheet shall be distributed and the sign-off sheet shall be completed and returned to the school annually prior to the student-athlete's or cheerleader's first official practice of the school year.

Adopted: 27 August 2020

R 2431.4 PREVENTION AND TREATMENT OF SPORTS-RELATED CONCUSSIONS AND HEAD INJURIES

A concussion is a traumatic brain injury caused by a direct or indirect blow to the head or body. Allowing a student-athlete or cheerleader to return to play before recovering from a concussion increases the chance of a more serious brain 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 all student-athletes and cheerleaders before the student begins participation in an interscholastic athletic program or activity or cheerleading program. The baseline testing program shall be reviewed and approved by the school or team 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 student-athletes and cheerleaders on prevention of concussions.

3. All school staff members, student-athletes, cheerleaders, and parents of student-athletes and cheerleaders shall be 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 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. Emergency Medical Attention for Concussion or Other Head Injury

1. Any student-athlete or cheerleader who is exhibiting the signs or symptoms of a sports-related concussion or other head injury during practice or competition shall immediately be removed from play and activities and may not return to the practice or competition that day.

2. The school staff member supervising the student-athlete or cheerleader when the student is exhibiting signs or symptoms of a sports-related concussion or other head injury shall immediately contact emergency medical assistance when symptoms get worse, loss of consciousness, direct neck pain associated with the injury, or any other sign the supervising school staff member determines emergency medical attention is needed.

   a. In the event the school or team physician is available when the student-athlete or cheerleader is exhibiting signs or symptoms of a sports-related concussion or other head injury, the physician may make the determination to call emergency medical assistance.

3. The school staff member supervising the student-athlete or cheerleader when the student is exhibiting signs or symptoms of a sports-related concussion or other head injury during practice or competition shall report the occurrence to the Principal or designee. The Principal or designee shall contact the student's parent and inform the parent of the suspected sports-related concussion or other head injury.

E. Sustained Concussion or Other Head Injury

1. A student-athlete or cheerleader who participates in interscholastic athletics or cheerleading program and who sustains or is suspected of sustaining a concussion or other head injury shall immediately be removed from practice or competition and shall be required to have a medical examination conducted by their physician or licensed health care provider. The student's physician or licensed health care provider shall be trained in the evaluation and management of concussion to determine the presence or absence of a sports-related concussion or head injury.

2. The student-athlete or cheerleader suspected of sustaining a concussion or other head injury shall be provided a copy of Board of Education Policy and Regulation 2431.4 and a copy of Board of Education approved suggestions for management/medical checklist to provide to their parent and their physician or licensed health care professional.

3. The student-athlete or cheerleader's physician must provide to the school district, upon the completion of a medical examination, a written medical release/clearance when the student is able to return to the activity. The release/clearance must indicate:

   a. The medical examination determined the injury was not a concussion or other head injury, the student is asymptomatic at rest, and the student may return to the interscholastic athletic or cheerleading activity; or

   b. The medical examination determined the injury was a concussion or other head injury, the student is asymptomatic at rest, and can begin the graduated return to competition and practice protocol outlined in F. below.

   A medical release/clearance not in compliance with this requirement will not be accepted. The student-athlete or cheerleader may not return to the activity or begin the graduated return to competition and practice protocol until he/she receives a medical evaluation and provides a medical clearance/release that has been reviewed and approved by the school or team physician.

4. Complete physical, cognitive, emotional, and social rest is advised while the student is experiencing symptoms and signs of a sports-related concussion or other head injury. (Minimize mental exertion, limit over-stimulation and multi-tasking, etc.)

F. Graduated Return to Competition and Practice Protocol

1. Upon the school physician's acceptance of the written medical release/clearance, the student-athlete or cheerleader may begin a graduated return to competition and practice protocol supervised by a licensed athletic trainer, school or team physician, or designated school nurse trained in the evaluation and management of concussions and other head injuries. The following steps shall be followed:

   Step 1 - Completion of a full day of normal cognitive activities (attendance at school, studying for tests, watching practice, interacting with peers, etc.) without re-emergence of any signs or symptoms. If there is no return of signs or symptoms of a concussion, the student-athlete or cheerleader may advance to Step 2 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur, the student shall be required to have a re-evaluation by their physician or licensed healthcare provider. The student shall not be permitted to begin the graduated return to competition and practice protocol until a medical clearance, as required in E.3. above, is provided and approved by the school or team physician.

Step 2 - Light aerobic exercise, which includes walking, swimming, or stationary cycling, keeping the intensity less than 70% maximum percentage heart rate. There shall be no resistance training. The objective of this Step is increased heart rate. If there is no return of any signs or symptoms of a concussion, the student-athlete or cheerleader may advance to Step 3 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur, the student shall return to Step 1.

Step 3 - Sport-specific exercise including skating and/or running. There shall be no head impact activities. The objective of this Step is to add movement and continue to increase the student-athlete or cheerleader's heart rate. If there is no return of any signs or symptoms of a concussion, the student may advance to Step 4 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur, the student shall return to Step 2.

Step 4 - Non-contact training drills such as passing drills, agility drills, throwing, catching, etc. The student-athlete or cheerleader may initiate progressive resistance training. If there is no return of any signs or symptoms of a concussion, the student may advance to Step 5 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur, the student shall return to Step 3.

Step 5 - The student's medical condition, upon completing Step 4 with no return of any signs or symptoms of a concussion, shall be evaluated for medical clearance based upon consultation between the school district's licensed athletic trainer, school or team physician, designated school nurse, and the student's physician. After this consultation and upon obtaining written medical release/clearance approved by the school or team physician, the student may participate in normal training activities. The objective of this Step is to restore the student's confidence and for the coaching staff to assess the student's functional skills. If there is no return of any signs or symptoms of a concussion, the student may advance to Step 6 below on the next day. If a re-emergence of any signs or symptoms of a concussion occur or if the student does not obtain medical release/clearance to proceed to Step 6, the school or team physician, in consultation with the student's physician, shall determine the student's return to competition and practice protocol.

Step 6 - Return to play involving normal exertion or game activity. If the student exhibits a re-emergence of any concussion signs or symptoms once he/she returns to physical activity, he/she will be removed from further activities and returned to Step 5.

G. Temporary Accommodations for Student-Athletes and Cheerleaders with Sports-Related Head Injuries

1. Rest is the best "medicine" for healing concussions or other head injuries. 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. 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, testing, texting, and watching movies if a student is sensitive to light/sound, can slow a student's recovery. In accordance with the Centers for Disease Control's toolkit on managing concussions, the Board of Education may look to address the student's cognitive needs in the following ways. 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

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

Adopted: 27 August 2020

R 2440 SUMMER SESSION

A. Definitions

1. "Summer session" means the instructional program operated by this school district during the summer months.

2. "Remedial course" means any course or subject that is a review of a course or subject the student has previously taken and for which credits or placement may be awarded upon successful completion of the course.

3. "Advancement course" means any course or subject the student has not previously taken in an approved school district program and for which additional credits or advanced placement may be awarded upon successful completion of the course.

4. "Enrichment course" means any course or subject of a vocational nature for which no credits are to be awarded.

B. Instructional Program

1. Summer session will be staffed in accordance with the provisions of N.J.A.C. 6A:32-10.4.

2. Remedial, advancement, and enrichment courses may be offered by the school district during the summer session to meet student needs.

3. Summer session classes will meet the following standards:

   a. To receive advanced credit for a subject not previously taken, the student shall receive class instruction in the summer session under standards equal to those during the regular term:

      (1) 3600 minutes for two and one-half high school credits, or

      (2) 7200 minutes for five high school credits.

   b. Full-year subjects which are given for review, remediation, or for other purposes not including advanced credit shall be conducted for sixty hours of instruction under standards equal to those during the regular term or through an established number of curricular activities as determined by the Board of Education and approved by the Executive County Superintendent.

4. Time spent on homework and in a study hall shall not be included in the minimum class times set forth in paragraph B.3.a. and b.

C. Staffing

1. Summer session positions will be filled in accordance with district practice and/or the negotiated contract.

2. In each school, a member of the administrative, supervisory, or teaching staff who is certified as an administrator shall be assigned the responsibilities of administration and supervision of the summer session.

3. All summer session teaching staff members shall possess valid certificates for subjects taught.

4. Curriculum enrichment may involve resource persons serving for specific periods of time under the supervision of a certified administrator, supervisor, or teacher.

D. Operations

1. The staff member responsible for the administration and supervision of the summer session shall submit a calendar of the summer session instruction to the Superintendent for approval.

2. The calendar will include the daily hours of the summer session.

3. The Board of Education shall approve the district's summer session. Upon Board approval, the Superintendent shall obtain approval for the summer session from the Executive County Superintendent of Schools.

4. Summer session teachers will be bound by all Board policies applicable to instruction and teacher responsibility.

E. Eligibility of Students

1. Teaching staff members in the regular school program will be alert to those students who would benefit from attendance at remedial or advancement courses in the summer session and will report such students to the Principal who will recommend summer session enrollment to the student.

2. Students may be enrolled in a remedial course only with the recommendation of the Principal of the school in which the student regularly attends.

3. The Principal's recommendation shall state in writing the name of the subject(s) which the student may take and the purpose for which the subject is taken.

4. Students may be enrolled in advancement courses only on the recommendation of a teacher and with the recommendation of the Principal of the school in which the student regularly attends. A student may be enrolled in no more than the equivalent of one year's work in a subject in an advancement course.

5. Enrichment courses in the summer session are open to all resident students and may be open, upon Board approval, to nonresident students as space permits. A student may be enrolled in no more than the equivalent of one year's work in a subject in an enrichment course.

6. No student will be required to attend the summer session as a condition of promotion or for any other reason.

F. Student Conduct

1. Summer session students will be governed by the rules of conduct established for students in the regular school session. Rules regarding substance abuse, smoking, and aggressive, assaultive, insulting, and insubordinate behavior, among others, will be in full force and effect.

2. Students who violate the rules of conduct or disobey persons in authority will be subject to discipline, which may include expulsion from the summer session. A student recommended for expulsion from the summer session will be given an administrative hearing in which the student will be given an opportunity to explain his/her conduct. Summer session is not a part of the thorough and efficient system of free education to which the student is entitled by law, and expulsion from the summer session does not involve the deprivation of a right.

3. The school dress code policy will be applicable for the summer session; however, the Superintendent may adjust the dress code policy to take into account warmer temperatures.

G. Attendance

1. Although the compulsory attendance statutes do not apply to summer session, summer session students are expected to attend regularly and promptly.

2. In general, no student will receive credit for a remedial or advancement course if he/she has missed more than the required number of classes in the subject. The student's parent(s) or legal guardian(s) will be notified if the instances of tardiness become excessive.

H. Grading and Credit

1. Work in remedial and advancement courses will be evaluated and graded, in accordance with Policy No. 2624 for grading in the regular program.

2. A narrative report of each student's attitude, strengths, and weaknesses will be given to the student's parent(s) or legal guardian(s) at the end of the summer session.

3. Credit will be given for successful completion of approved remedial and advancement courses that have met the standards of instruction set forth in rules of the State Board of Education and at paragraph B.3. of this regulation.

4. Credit for work taken in an approved elementary or secondary school summer session will be transferable in the same manner as work taken in any approved elementary or secondary school in accordance with Board of Education policy.

5. The Principal of the school which the student regularly attends shall give prior approval for work to be taken at other educational institutions or environments. These shall include, but not be limited to, other public and private schools, institutions of higher education, and on-line courses.

I. Tuition

1. Tuition may be charged for the enrollment of a resident student in a remedial or advancement course taken for credit in accordance with the provisions of N.J.S.A. 18A:11-15. Tuition may be charged to a resident student enrolled in an enrichment(s) course which carry no credit and are determined by the Executive County Superintendent of Schools to have no direct relationship to the curriculum.

2. The Board of Education, upon the recommendation of the Superintendent, shall approve the tuition to be charged for the enrollment of any student, resident or nonresident, in an enrichment course.

3. The Board of Education, upon the recommendation of the Superintendent, shall approve the tuition to be charged for the enrollment of a nonresident student in a remedial or advancement course.

4. Payment of tuition must be made in full before the first day of the summer session.

J. Records

1. The permanent/cumulative record of each student who completes a program of study in the summer session will include:

   a. The amount of time the student spent in receiving class instruction in the summer session; and

   b. An evaluation and a description of work completed in the summer session, including the student's grade and the credit earned, if any.

2. The amount of time which a student has spent in receiving class instruction shall become part of the student's permanent/cumulative record and shall be included whenever the record is transferred to another school.

R 2460 SPECIAL EDUCATION

School district officials and staff shall adhere to all regulations included in N.J.A.C. 6A:14-1.1 et seq. and the following special education regulations:

R 2460.1	Special Education - Location, Identification, and Referral (M)
R 2460.8	Special Education - Free and Appropriate Public Education (M)
R 2460.9	Special Education - Transition From Early Intervention Programs to Preschool Programs (M)
R 2460.15	Special Education – In-Service Training Needs for Professional and Paraprofessional Staff (M)
R 2460.16	Special Education - Instructional Material to Blind or Print-Disabled Students (M)

Definitions:

Refer to N.J.A.C. 6A:14-1.3 for definitions of terms used in Regulations 2460.1 through 2460.16.

Adopted: 27 August 2020

R 2460.1 SPECIAL EDUCATION - LOCATION, IDENTIFICATION, AND REFERRAL

All students with disabilities, who are in need of special education and related services, including students with disabilities attending nonpublic schools, and highly mobile students such as migrant and homeless students regardless of the severity of their disabilities, are located, identified and evaluated according to N.J.A.C. 6A:14-3.3.

A. Procedures for Locating Students With Disabilities

1. The Director of Special Services will coordinate the child find activities to locate, identify and evaluate all children, ages three through twenty-one, who reside within the school district or attend nonpublic schools within the school district and who may have a disability.

2. By the beginning of each school year, the Director of Special Services or his/her designee will conduct child find activities, in the native language of the population, as appropriate, including but not limited to:

   a. Development of child find materials for distribution.

   b. Broadcasting of child find information on the school district cable television station. (if applicable)

   c. Distribution of flyers to the parents of all students enrolled in the school district.

   d. Mailing of child find material to nonpublic schools in the area.

   e. Mailing of child find material to local pediatricians, hospitals and clergy.

   f. Public service announcements on the local foreign language radio stations and cable television stations.

   g. Public service announcements in local newspapers.

   h. Distribution of child find materials in supermarkets, convenience stores, shelters for the homeless, public and private social service agency locations and nursery school providers.

i. Mailing information letters to local physicians, hospitals, nursery schools, non-public schools, health departments, community centers, rescue squads and churches.

j. A guide to preschool services for potentially disabled children ages three to five is made available to local pre-schools.

k. Posting of State developed child find materials in local municipalities for potentially disabled students and/or early intervention program.

l. Training of home school advocate/school community liaisons or others to assist in the identification of potentially disabled students.

m. Listings of Early Intervention Program (EIP), local nursery schools and pediatricians are maintained. The district's preschool coordinator (or other) maintains contact with EIP coordinator and nursery school director.

n. Information is distributed through the Parent Advisory Committee.

o. School handbooks distributed to parents contain information describing special education services.

p. Distribution of information to the school district's ESL/Bilingual teachers describing child find activities.

q. Students entering Kindergarten are screened to identify students who may have a disability.

r. Intervention and Referral Services Committees (I&RS) have been established in all school buildings.

3. No later than the beginning of each school year the Director of Special Services will contact by mail the Director of the nonpublic school(s) to request input from nonpublic school parents and officials for suggestions on ways to conduct child find activities for students attending nonpublic schools.

The child find activities for nonpublic students shall be comparable to the child find activities for public school students.

B. Procedures for Intervention in the General Education Program

A staff member or agency shall provide in writing a request for intervention services for students ages three to fourteen, to the Building Principal or designee. The request shall contain the following:

1. Reason for request (including parental or adult student request);

2. Descriptive behavior of student performance; and

3. Indication of the prior interventions.

Teachers and other school professionals, as appropriate, will be in-serviced annually by the Building Principal or designee regarding the procedures for initiating and providing interventions in the general education program. The parent(s) will be informed of the procedures to initiate interventions in the general education program.

The Superintendent or designee will oversee the district's implementation/evaluation of the interventions identified.

An Intervention and Referral Services Committee (I&RS) will be in place in each school building pursuant to N.J.A.C. 6A:16-8.1 et seq. and Policy and Regulation 2417.

The Building Principal or designee will be responsible for the following:

1. The implementation and effectiveness of building level I&RS Committee;

2. Will identify the roles and responsibilities of building staff who participate in planning and providing intervention services; and

3. Review, assess and document the effectiveness of the services provided in achieving the outcome identified in the intervention plan.

4. The I&RS Committee shall:

   a. Plan and provide appropriate intervention services;

   b. Actively involve the parent(s) in the development and implementation of intervention plans;

c. Develop an action plan for an identified student which specifies specific tasks, resources, persons responsible, completion dates, date for review;

d. Coordinate the services of community based social and health provider agencies;

e. Process and complete the documentation forms;

f. Review and assess the effectiveness of the services provided in achieving the outcomes identified in the intervention and referral plan; and

g. Ensure the type, frequency, duration, and effectiveness of the interventions are documented.

5. The Building Principal will insure that:

a. I&RS Committee receive in-service training by the Building Principal or designee by October each school year;

b. Staff handbooks are updated by September and include information regarding intervention procedures;

c. New instructional staff attend the district's orientation program commencing in the month of September which includes information on I&RS Committee;

d. School calendars are distributed in the month of September and provide information on intervention services; and

e. Parent/student handbooks distributed in the month of September and include information on intervention services.

C. Procedures for Referral

Referral procedures are included in professional staff handbooks and referral forms are available in the Principal's office, the Child Study Team (CST) office, and the Office of the Director of Special Services.

1. Parental Notification of Referral Procedures

   Referral procedures shall be included in the Parent Handbook, newsletter, special education brochure or pamphlet or other school district publication, which shall be distributed to the parent(s). These procedures and publications shall be updated annually and be distributed to the parent(s) and appropriate social service and welfare agencies not later than October 1 of each year.

2. Parent Initiated Referral

   When a parent makes a written request for an evaluation to determine eligibility for services:

   a. The written request shall be received and dated by the Director of Special Services;

   b. The written request shall be immediately forwarded to the office of special services/special education;

   c. A file will be initiated to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting and any forms used to open a case;

   d. Upon receipt of the referral a request for a summary and review of health and medical information regarding the student shall be forwarded to the school nurse who will transmit the summary to the CST;

   e. The Director of Special Services will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date the request was received by the district;

   f. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s);

   g. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet; and

   h. The referral/identification meeting will be attended by the parent(s), CST, and regular education teacher.

3. School Initiated Referral

Referral of a student to the CST may be made by administrative, instructional, or other professional staff to determine eligibility for special services when:

a. It is determined (optional: through the I&RS Committee) that interventions in the general education program have not been effective in alleviating the student's educational difficulties.

b. It can be documented that the nature of the student's educational problem(s) is such that an evaluation to determine eligibility for services is warranted without delay.

c. The Director of Special Services, through in-service training, shall ensure that students are referred who may have a disability, but are advancing from grade to grade.

(1) A student with a disability, who is advancing from grade to grade with the support of specially designed services, may continue to be eligible when:

(a) As part of the re-evaluation, the Individualized Education Plan (IEP) team determines that the student continues to require specially designed services to progress in the general education curriculum; and

(b) The use of functional assessment information supports the IEP team's determination.

The following procedure will be followed for a school initiated referral:

a. A referral to the CST will be completed by the referring staff member;

b. I&RS documentation including, but not limited to: teacher reports, grades and other relevant data (optional: the intervention record) shall be forwarded with the referral to the CST along with any other relevant data;

c. I&RS documentation does not need to be forwarded for direct referral when the nature of the student's problem is such that the evaluation is warranted without delay;

d. The referral should be dated upon receipt by the CST;

e. A file will be initiated to include a timeline for processing the referral including the date that initiates the twenty-day timeline for conducting the referral/identification meeting;

f. Upon receipt of the referral, a request for a summary and review of health and medical information regarding the student shall be forwarded to the school nurse who will transmit the summary to the CST;

g. The Director of Special Services will convene a referral/identification meeting within twenty calendar days (excluding school holidays, but not summer vacation) of the date recorded on the referral;

h. A "Notice of a Referral/Identification Meeting" will be sent to the parent(s);

i. The notice shall contain "Parental Rights in Special Education" (PRISE); and

j. The referral/identification meeting will be attended by the parent(s), CST, and regular education teacher.

4. The district may use community rehabilitation programs approved by the New Jersey Department of Labor, Division of Vocational Rehabilitation Services or any other State agency empowered to accept secondary level student placement according to N.J.A.C. 6A:14-4.7(i).

5. Each evaluation of the student requires an assessment to determine appropriate post-secondary outcomes as part of transition services planning.

6. Each IEP Team member is required to certify in writing whether the IEP Team report reflects his or her conclusions. In the event the IEP Team report does not reflect the IEP Team member's conclusion, the IEP Team member must submit a dissenting opinion in order to ensure the parent(s) is aware of dissenting opinions regarding the determination of eligibility for a specific learning disability.

7. The parent(s) must receive a copy of their child's evaluation report and any documentation leading to a determination of eligibility not less than ten calendar days prior to the eligibility conference in order to ensure the parent(s) has a reasonable amount of time to review documentation prior to an eligibility conference.

8. A student may be referred directly to the CST when warranted.

Adopted: 27 August 2020

R 2460.8 SPECIAL EDUCATION - FREE AND APPROPRIATE PUBLIC EDUCATION

A free and appropriate public education is available to all students with disabilities between the ages of three and twenty-one including students with disabilities who have been suspended or expelled from school.

Procedures regarding the provision of a free and appropriate public education to students with disabilities who are suspended or expelled are as follows:

1. School officials responsible for implementing suspensions/expulsions in the district are the following:

   a. Grades Six – Eight Principal/Vice Principal or designee;

   b. Grades Pre-Kindergarten – Five Principal/Vice Principal or designee.

2. Each time a student with a disability is removed from his/her current placement for disciplinary reasons, notification of the removal is provided to the case manager by the Principal or designee. (Notification must be in written format for documentation.)

   a. Removal for at least half of the school day shall be reported via the Student Safety Data System (SSDS).

3. Each Principal or designee will ensure that a system is in place to track the number of days a student with disabilities has been removed for disciplinary reasons. Documentation will include:

   a. Student's name;

   b. The infraction;

   c. Time suspended; and

   d. The cumulative days suspended including removal for a portion of the school day which is counted proportionately.

4. When a student is suspended from transportation:

   a. Suspension from transportation is not counted as a day of removal if the student attended school.

   b. Suspension from transportation is counted as a day of removal if the student does not attend school.

   c. If transportation is included in the student's IEP as a required related service, the school district shall provide alternate transportation during the period of suspension from the typical means of transportation.

   d. Suspension from transportation may be counted as a day of absence rather than a day of removal if the district made available an alternate means of transportation and the student does not attend school.

5. When a student with a disability participates in an in-school suspension program, the Principal or designee shall ensure that participation in the program is not considered removal when determining whether a manifestation determination must be conducted if the program provides the following:

   a. Opportunity for the student to participate and progress in the general curriculum,

   b. Services and modifications specified in the student's IEP,

   c. Interaction with peers who are not disabled to the extent they would have in the current placement, and

   d. The student is counted as present for the time spent in the in-school suspension program.

6. When a series of short-term removals will accumulate to more than ten school days in the year:

   a. The Principal/Vice Principal or designee and the case manager will consult to determine whether the removals create a change of placement according to N.J.A.C. 6A:14-2.8(c)2. Written documentation of the consultation between the school administration and the case manager shall be maintained by the case manager.

b. If it is determined that there is no change in placement, the Principal/Vice Principal or designee, the case manager, and special education teacher will consult to determine the extent to which services are necessary to:

(1) Enable the student to participate and progress appropriately in the general education curriculum; and

(2) Advance appropriately toward achieving the goals set out in the student's IEP.

c. Written documentation of the consultation and services provided shall be maintained in the student's file.

7. When a disabled student is removed from his/her current placement for more than ten days and the removal does not constitute a change in placement, the case manager shall convene a meeting of the IEP Team and, as necessary or required, conduct a functional behavior assessment and review the behavioral intervention plan according to N.J.A.C. 6A:14 Appendix A, Individuals with Disabilities Education Act Amendments of 2004, 20 U.S.C. §1415(k). The IEP Team shall:

a. Review the behavioral intervention plan and its implementation;

b. Determine if modifications are necessary; and

c. Modify the behavioral intervention plan and its implementation as appropriate. The plan will be modified to the extent necessary if at least one member of the team determines that modifications are necessary.

The case manager will document the date and the outcome of the meeting.

The documentation shall be placed in the student's file.

Procedures Regarding the Provision of a Free and Appropriate Public Education to Preschool Age Students with Disabilities

To ensure that preschoolers with disabilities who are not participating in an early intervention program have their initial IEP's in effect by their third birthday, a written request for an initial evaluation shall be forwarded to the district.

The following procedures will be followed:

1. A parent of a preschool-age student suspected of having a disability, who requests a Child Study Team (CST) evaluation by telephone, will be advised to submit a written request for an evaluation to the Preschool Coordinator or Director of Special Services.

2. Upon receipt of the written request, the request shall be dated and signed by the recipient.

3. The district will respond to referrals of preschoolers according to N.J.A.C. 6A:14-3.3(e).

4. A file will be initiated for the potentially disabled preschooler:

    a. The Director of Special Services will convene a referral/identification meeting within twenty calendar days (excluding school holidays but not summer vacation) of the date recorded on the request;

    b. A "Notice of Referral/Identification Meeting" will be sent to the parent(s);

    c. The notice will contain "Parental Rights in Special Education" (PRISE) Booklet;

    d. The meeting will be attended by the CST, including a speech language specialist, the parent(s), and a teacher who is knowledgeable about the district's program; and

    e. A program shall be in place no later than ninety calendar days from the date of consent.

Procedures Regarding the Provision of a Free, Appropriate Public Education to Students with Disabilities Who Are Advancing From Grade to Grade

The Director of Special Services, through in-service training, shall ensure students with disabilities who are advancing from grade to grade with the support of specially designed services, continue to be eligible when as part of a reevaluation, the IEP Team determines the student continues to require specially designed services to progress in the general education curriculum and the use of functional assessment information supports the IEP Team's determination.

Procedures Involving Procedural Safeguards to Students Not Yet Eligible For Special Education

Disciplinary procedural safeguards will apply to students not yet eligible for special education. The parent and/or adult student may assert any of the protections of the law if the district had knowledge the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

Adopted: 27 August 2020

R 2460.9 SPECIAL EDUCATION - TRANSITION FROM EARLY INTERVENTION PROGRAMS TO PRESCHOOL PROGRAMS

Children with disabilities participating in early intervention programs (EIP) assisted under IDEA Part C who will participate in preschool programs under N.J.A.C. 6A:14-1.1 et seq. will experience a smooth transition and will have an Individualized Education Program (IEP) developed and implemented according to N.J.A.C. 6A:14-3.3(e) and N.J.A.C. 6A:14-3.7.

Procedure for Child Study Team (CST) Member Attendance at the Preschool Transition Planning Conference

1. The district will make available a CST member to participate in the preschool transition planning conference arranged by the designated Part C service coordinator from the early intervention system and will:

    a. Review the Part C Individualized Family Service Plan for the child;

    b. Provide the parent(s) written district registration requirements;

    c. Provide the parent(s) written information with respect to available district programs for preschool students, including general education placement options; and

    d. Provide the parent(s) a form to use to request that the Part C service coordinator be invited to the child's initial IEP meeting.

2. The district will work collaboratively with the EIP designated Part C service coordinator or early intervention system to eliminate barriers regarding meeting times and locations.

3. School district officials shall adhere to all procedures contained in N.J.A.C. 6A:14-1.1 et seq. for transitioning children with disabilities from EIP to preschool programs.

4. The Part C service coordinator shall be invited to the initial IEP meeting for a student transitioning from Part C to Part B.

Adopted: 27 August 2020

R 2460.15 SPECIAL EDUCATION – IN-SERVICE TRAINING NEEDS FOR PROFESSIONAL AND PARAPROFESSIONAL STAFF

The in-service training needs for professional and paraprofessional staff who provide special education, general education, or related services will be identified and appropriate in-service special education training will be provided by the district.

The district will maintain information to demonstrate its efforts to:

1. Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities;

2. Enhance the ability of teachers and others to use strategies, such as behavioral interventions, to address the conduct of students with disabilities that impedes the learning of students with disabilities and others;

3. Acquire and disseminate to teachers, administrators, Board members, and related services personnel, significant knowledge derived from educational research and other sources and how the district will, if appropriate, adopt promising practices, materials, and technology;

4. Insure that the in-service training is integrated to the maximum extent possible with other professional development activities; and

5. Provide for joint training activities of parents and special education, related services, and general education personnel.

Adopted: 27 August 2020

R 2460.16 SPECIAL EDUCATION - INSTRUCTIONAL MATERIAL TO BLIND OR PRINT-DISABLED STUDENTS

All students that are blind or print-disabled will be provided instructional materials in a timely manner in accordance with a plan developed by the district.

The plan to provide the instructional material to blind or print-disabled students in a timely manner will:

1. Be included in the Individualized Education Program of each student with a disability;

2. Set forth the instructional materials needed by the student;

3. Indicate how the instructional material will be provided to the blind or print-disabled student; and

4. Address any assistive technology needed to permit the student to utilize the instructional material to be provided.

Adopted: 27 August 2020

R 2464 GIFTED AND TALENTED STUDENTS

A. Identification and Selection

1. Classroom teachers will be familiar with the criteria for identifying gifted and talented students and will be alert to students who exhibit the criteria stated below.

2. The enrichment teacher will review the cumulative files of all students in grades three through eight against the criteria for identifying gifted and talented students. The review will include consideration of intelligence ratings, classroom achievements, the results of standardized testing, and teaching staff member observation reports.

3. The enrichment teacher will confer with past and present teachers of any student identified in the review of files and of any student recommended for screening by a teacher.

4. A committee comprised of the classroom teacher, the enrichment teacher, the guidance counselor, and the Principal will receive the recommendations of the teacher and will select those students who should participate in the program for gifted and talented students.

B. Selection Criteria

1. If a student is recommended for the gifted and talented program, a panel appointed by the Principal and including the enrichment teacher will evaluate each student. Evaluation measures may include:

Intelligence Quotient (IQ)	125 or more
Terra Nova	90th percentile or above
Teacher recommendation	
Report card grades	A- or above

To participate in the program, students must meet the criteria in four of the five categories.

2. Gifted Screening

Intelligence Quotient (IQ):

135+	3 points
130	2 points
125	1 point

Terra Nova: Reading Comprehension National Percentile

99 percentile	3 points
92 percentile	2 points
90 percentile	1 point

Grades Reading: Final Average

97-100	3 points
93-96	2 points
90-92	1 point

Teacher Recommendation

1st in class	4 points
2nd in class	3 points
3rd in class	2 points
Top group	1 point

Totals:

9+ points	Student qualifies for the program
5-8 points	Student placed in the program with the Principal's recommendation and if space is available
4 or less points	Student does not qualify for the program

C. Program

1. When a student has been identified as gifted or talented, the enrichment teacher will:

   a. Confer with the student's parent(s) or legal guardian(s) on the goals of the student's program and secure the parent(s) or legal guardian(s) cooperation and permission for the student's participation in the program;

b. Interview each selected student for additional information about the student and for guidance in establishing an enriched educational program form the student; and

c. Confer with the student's teacher about a proposed educational program for the student.

2. Because the enrichment needs of gifted and talented students can be met through a wide variety of activities and teaching strategies, program content will be individually prescribed and based on students' unique interests and talents.

3. Each student's program will seek to involve the student in all subject areas that can provide growth and stimulation in higher cognitive processes such as interpretation, extrapolation, translation, application, analysis, synthesis, and evaluation.

4. No enrichment program will replace the basic instructional program appropriate to the student's grade level.

5. The enriched educational program for a gifted or talented student may consist of:

a. Additional classroom studies and assignments;

b. Special classes in appropriate studies; and/or

c. Out-of-class sessions with the gifted and talented teacher.

6. A classroom teacher may provide for the needs of gifted and talented students by:

a. Presenting content material that is related to broad-based issues, themes, or problems;

b. Integrating multiple disciplines into the study area;

c. Allowing for in-depth learning of a topic selected by the student within the study area;

d. Developing the student's independent and self-directed study skills;

e. Developing research skills and methods;

f. Integrating higher level thinking skills into the curriculum;

g. Focusing on open-ended tasks;

h. Using new techniques, materials, and forms;

i. Encouraging the development of self-understanding; and

j. Encouraging self-appraisal and evaluation.

D. Exit Procedures

1. Each student identified as gifted or talented will be assessed annually for the continuing appropriateness of his/her enriched program. Assessment will include:

   a. Interviews with the student, the student's parents/guardians, and the teaching staff members educationally responsible for the student;

   b. Review of the student's file including test results; and

   c. Review of the student's work in the preceding school year.

2. The program will be revised as required to meet the student's needs and interests.

3. The student may be withdrawn from the gifted and talented program when:

   a. The student's academic record indicates a decline in performance;

   b. The student wishes to withdraw and his/her parent/guardian consents to the withdrawal; or

   c. The student's parents/guardians requests withdrawal.

4. A decision to withdraw a student from the gifted and talented program will be made by the student's classroom teacher, the gifted and talented teacher, the Principal, the student's parents/guardians, and where appropriate, the student.

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R 2480 ALTERNATIVE EDUCATION PROGRAMS

The Board of Education may operate an alternative education program, pursuant to N.J.A.C. 6A:16-1.3. In the event the Board elects to operate an alternative education program, the program shall be approved by the Commissioner of Education in accordance with the requirements of N.J.A.C. 6A:16-9.1.

A. Establishment of Alternative Education Programs

1. The Board shall submit an initial or renewal application, as appropriate, to the County Office of Education, in accordance with the format prescribed by the Commissioner of Education.

2. The alternative education program approved and established by the Board shall be separate and distinct from the already existing programs operated by the Board.

3. Annually, the school district shall obtain certificates of fire inspection and, if applicable, health, sewerage plant and health, ventilation, and air conditioning (HVAC) inspections for an alternative education facility. These certificates shall be maintained and available upon request for review by the Department of Education.

B. Program Criteria

The alternative education program in the district will fulfill the following program criteria for both high school and middle school programs, unless otherwise noted:

1. A maximum student-teacher ratio of 12:1 for high school programs;

2. A maximum student-teacher ratio of 10:1 for middle school programs;

3. An Individualized Program Plan (IPP) will be developed for each general education student enrolled in the program:

   a. The IPP will be developed by the school district in which the student is enrolled, in consultation with the student's parent(s) or legal guardian(s) and the receiving school district, pursuant to N.J.A.C. 6A:16-9.1(a), or other agency, pursuant to N.J.A.C. 6A:16-9.1(b), as appropriate.

b. The IPP will be developed by a multidisciplinary team of professionals with knowledge of the student's educational, behavioral, emotional, social, and health needs.

c. The IPP will identify the appropriate instructional and support services for addressing the student's identified needs.

d. The IPP will be developed in accordance with the format prescribed by the Commissioner of Education and implemented within thirty calendar days of the student's placement in the district's alternative education program.

(1) The IPP may, but need not, be developed prior to the student's placement.

e. A multidisciplinary team will review and, as appropriate, revise the IPP prior to the completion of the student's anticipated enrollment in the alternative education program or prior to the end of the school year, whichever occurs first.

(1) The multi-disciplinary team shall review and revise the IPP, as needed, at any time during the student's enrollment in the alternative education program.

(2) The multi-disciplinary team that reviews the IPP shall include staff from the sending school and the alternative education program who have knowledge of the student's educational, behavioral, emotional, social, and health needs.

(3) The student's parent(s) or legal guardian(s) shall be advised of revisions to the IPP.

4. For a student with a disability, the alternative education program shall be consistent with the student's Individualized Education Program (IEP), pursuant to N.J.A.C. 6A:14, Special Education;

5. Individualized instruction to students shall address the Core Curriculum Content Standards, pursuant to N.J.A.C. 6A:8-3.1;

6. Instructional staff shall be appropriately certified, pursuant to N.J.A.C. 6A:9-3.3;

7. Compliance with attendance policies, pursuant to N.J.A.C. 6A:16-7.8 and 6A:32-8.3, shall be required;

8. Academic instruction sufficient to fulfill graduation requirements, pursuant to N.J.A.C. 6A:8-5.1, shall be provided to high school students;

9. Comprehensive support services and programs shall address each student's health, social and emotional development, and behavior;

10. Case management services including, but not limited to, monitoring and evaluating student progress and coordinating instructional and support services, pursuant to 5, 8, and 9 above, shall be provided;

11. Services to facilitate the transition of students returning to the general or special education program shall be provided; and

12. A minimum student enrollment period of not less than two complete marking periods shall be required.

    a. If the student is enrolled with less than two complete marking periods remaining prior to the end of the school year, the decision regarding continued placement in the alternative education program shall be made in accordance with N.J.A.C. 6A:16-9.3(a).

    b. If the student is removed from the general education program and placed in an alternative education program as a result of a firearm or assault with a weapon offense, the Superintendent may modify the term of removal or placement on a case-by-case basis, pursuant to N.J.A.C. 6A:16-5.5(b)1 and 5.6(b)1.

    c. For the student with a disability, the enrollment period shall be determined by appropriate school personnel in accordance with the provisions of N.J.A.C. 6A:14, Special Education, and the Individuals with Disabilities Education Act of 2004, 20 U.S.C. § § 1400 et seq.

C. Student Placements

A student's placement in an alternative education program shall be made as follows:

1. For the general education student, the Director of Special Services shall make a determination of the student's risk for school failure and a decision regarding the student's placement in an alternative education program, at a minimum, based on the following:

a. The review of the student's academic, health, and behavioral records, including the student's IPP, if one has been developed in accordance with N.J.A.C. 6A:16-9.2(a)3i through v, and the results of available testing, assessment or evaluation of the student;

b. Consultation with and notice to the student's parent(s) or legal guardian(s); and

c. Information provided by the school-based multi-disciplinary team responsible to provide intervention and referral services, pursuant to N.J.A.C. 6A:16-8, or other multi-disciplinary team, as appropriate.

2. Decisions regarding the placement of the student with a disability in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1(a) and (b), shall be based on the recommendation of appropriate personnel in accordance with N.J.A.C. 6A:14.

3. The district shall provide mandatory placement for a student in an alternative education program for removal due to a firearms offense, pursuant to N.J.A.C. 6A:16-5.5 or an assault with weapons offense, pursuant to N.J.A.C. 6A:16-5.6.

a. If placement in an alternative education program is not available in the instance of a mandatory student placement, the student shall be provided home or out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, until placement in an alternative education program is available.

b. For the student with a disability, placement in an alternative education program for a firearm offense or an assault with a weapon offense shall occur only upon a determination by appropriate school personnel to place the student in accordance with the provisions of N.J.A.C. 6A:14, Special Education Programs and the Individuals with Disabilities Act of 2004, 20 U.S.C. § § 1400 et seq.

D. Alternative Education Program in Another District or Agency

If the district places a student in an alternative education program approved by another district Board of Education, pursuant to N.J.A.C. 6A:16-9.1(a), or another approved agency, pursuant to N.J.A.C. 6A:16-9.1(b), the sending school district shall be responsible for ensuring compliance with the requirements of N.J.A.C. 6A:16-9.

E. Continued Placement/Change of Placement

1. Decisions regarding continued placement in an alternative education program or a change to a student's placement shall be made as follows:

   a. For the general education student returning to the general education program, the continued placement decision shall be made in accordance with B.11. above, as appropriate, and C.1. above.

   b. For a student with disabilities, the continued placement decision shall be made in accordance with B.11. above, as appropriate, C.2. above, and N.J.A.C. 6A:14, Special Education.

R 2481 HOME OR OUT-OF-SCHOOL INSTRUCTION FOR A GENERAL EDUCATION STUDENT FOR REASONS OTHER THAN A TEMPORARY OR CHRONIC HEALTH CONDITION

The Board of Education shall provide instructional services to an enrolled general education student at the student's home or other suitable out-of-school setting pursuant to N.J.A.C. 6A:16-10.2.

A. Conditions For Providing Instructional Services – N.J.A.C. 6A:16-10.2(a)

1. The student is mandated by State law and rule for placement in an alternative education program, but placement is not immediately available;

2. The student is placed on short-term or long-term suspension from participation in the general education program; or

3. A court order requires the student to receive instructional services in the home or other out-of-school setting.

B. Providing Services

1. The school district shall provide services no later than five school days after the student has left the general education program.

2. The school district in which a student resides shall be responsible for the costs of providing instruction in the home or out-of-school setting either directly or through online services, including any needed equipment, or through contract with another Board of Education, Educational Services Commission, Jointure Commission, or approved clinic or agency.

C. Standards For Home or Out-of-School Instruction

1. The district shall establish a written plan for the delivery of instruction and maintain a record of delivery of instructional services and student progress.

2. The teacher providing instruction shall be a certified teacher.

3. The teacher shall provide one-on-one instruction for no fewer than ten hours per week on three separate days of the week and no fewer than ten hours per week of additional guided-learning experiences that may include the use of technology to provide audio and visual connections to the student's classroom.

4. The instruction shall meet the Core Curriculum Content Standards and the Board of Education's requirements for promotion and graduation.

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R 2531 USE OF COPYRIGHTED MATERIALS

A. Literary Material

1. A single copy may be made of any of the following by or for a teacher at his/her individual request for scholarly research or for use in teaching or in preparation for teaching a class:

   a. A chapter from a book;

   b. An article from a periodical or newspaper;

   c. A short story, short essay or short poem; whether or not from a collective work; or

   d. A chart, graph, diagram, drawing, cartoon or picture from a book, periodical, or newspaper.

2. Multiple copies (not to exceed in any event more than one copy per student in a course) may be made by or for the teacher giving the course for classroom use or discussion provided that:

   a. Each copy includes a notice of copyright; and

   b. The material copied is brief and the copying is spontaneous and noncumulative as measured by the following definitions of brevity, spontaneity, and noncumulative effect.

      (1) Brevity: A reproduced work is brief if it consists of the following:

         (a) Poetry: Not more than a complete poem if fewer than 250 words and if printed on not more than two pages or an excerpt from a longer poem if the excerpt is not more than 250 words. These numerical limits may be expanded to permit completion of an unfinished line of poetry.

         (b) Prose: Not more than a complete article, story, or essay of fewer than 2,500 words; or an excerpt from any prose work of not more than 1,000 words or ten percent of the work, whichever is less, but in any event a minimum of 500 words. These numerical limits may be expanded to permit completion of an unfinished prose paragraph.

(c) Illustration: Not more than one chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.

(d) Special Works: Certain works in poetry, prose or in poetic prose which often combine language with illustrations and which are intended sometimes for children and at other times for a more general audience often fall short of 2,500 words in their entirety. Paragraph 2b(1)(b) above notwithstanding, such special works may not be reproduced in their entirety; however, an excerpt comprising not more than two of the published pages of such special work and containing not more than ten percent of the words found in the text thereof may be reproduced.

(2) Spontaneity: Reproduction of a copyrighted work is spontaneous if:

(a) The copying is at the instance and inspiration of the individual teacher; and

(b) The inspiration and decision to use the work and the moment of its use of maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission to use the work.

(3) Noncumulative Effect: Reproduction of a copyrighted work is noncumulative if:

(a) The copying of the material is for only one course in the school in which the copies are made;

(b) Not more than one short poem, article, story, essay or two excerpts has been copied from the same author or more than three from the same collective work or periodical volume during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals;

(c) There have been no more than nine instances of such multiple copying for one course during one class term. This section does not apply to current news periodicals and newspapers and current news sections of other periodicals.

3. Notwithstanding any of the above, the following prohibitions shall be in effect:

   a. Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately;

   b. There shall be no copying of or from works intended to be consumable in the course of study or of teaching. Consumable works include workbooks, exercises, standardized tests, test booklets, answer sheets, and like material;

   c. Copying shall not substitute for the purchase of books, publishers' reprints, or periodicals; or be directed by higher authority; or be repeated with respect to the same item by the same teacher from term to term;

   d. No charge shall be made to the student for the copied material.

B. Televised Material

1. A broadcast program may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained for a retention period of forty-five calendar days after the date of the recording; at the expiration of the retention period the recording must be erased or destroyed.

2. An off-air recording may be used once by individual teachers in the course of relevant teaching activities and may be repeated once only when instructional reinforcement is necessary, in the classroom or similar place of instruction or the home of a student receiving home instruction, during the first ten school days in the retention period. After the first ten school days, an off-air recording may be used during the remainder of the retention period only to permit teachers to evaluate its effectiveness in the instructional period.

3. Off-air recordings may be made only at the request of and used by individual teachers and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast.

4. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers under these guidelines. Each such additional copy shall be subject to all provisions governing the original recording. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

5. Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.

C. Pre-recorded Video

The use of commercially pre-recorded video (such as video cassettes and DVD disks rented by commercial enterprises) may be used for instructional purposes without the purchase of a public performance license. Such tapes shall not be used in school situations in violation of the copyright laws which prohibit use for reward or entertainment or in other school activities. The use of such materials for these purposes in the school shall be considered a public performance and require:

1. A blanket license for showing the pre-recorded video obtained from the Motion Picture Licensing Corporation (MPLC) or other group authorized to license the pre-recorded material.

2. A specific license for the showing of a pre-recorded video not covered by a blanket license.

The use of non-commercially pre-recorded video shall require the written permission of the producer of the video prior to its use for other than instructional purposes.

If the requested license or permission has not been obtained, the material shall not be shown in the school.

D. Music

1. The following uses of copies of copyrighted music are permissible.

   a. Emergency copies of printed music may be made to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies are substituted in due course.

   b. For academic purposes other than performance:

      (1) Multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole which would constitute a performable unit such as a section, movement, or aria, but in no case more than ten percent of the work. The number of copies shall not exceed one copy per student.

(2) A single copy of an entire performable unit (section, movement, aria, etc.) that is

(a) Confirmed by the copyright proprietor to be out of print, or

(b) Unavailable except in a larger work, may be made by or for a teacher solely for the purpose of scholarly research or in preparation to teach a class.

c. Printed copies that have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.

d. A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.

e. A single copy of a sound recording (such as a tape, disc, or cassette) of copyrighted music may be made from sound recordings owned by the school district or by an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the district or the teacher. (This pertains only to the copyright of the music itself and not to any copyright that may exist in the sound recording.)

2. The following uses of copies of copyrighted music are prohibited.

a. Copying to create or replace or substitute for anthologies, compilations, or collective works;

b. Copying of or from works intended to be consumable in the course of study or of teaching such as workbooks, exercises, standardized tests, answer sheets, and like material;

c. Copying for the purpose of performance, except as permitted in paragraph C1a;

d. Copying for the purpose of substituting for the purchase of music, except as permitted in paragraph C1a and paragraph C1b; and

e. Copying without inclusion of the copyright notice that appears on the printed copy.

E. Computer Software and the Internet

1. A software program shall not be copied onto a blank disk except as expressly permitted by the program itself.

2. An archival disk may be made as a back-up program disk. The archival disk shall be used only when the original software disk has been mistakenly damaged or destroyed and may not be used for any other purpose.

3. Software shall not be loaded into more than one computer at any one time, unless a site license has been purchased to permit loading multiple computers.

4. Copyrighted materials shall not be downloaded from the Internet without the express permission of the author and the payment of any required fees.

F. Obtaining Permission for Copying

1. A teacher may request and obtain permission to copy material from a copyrighted work; the teacher may then use the work as expressly permitted and will not be bound by the limitations and prohibitions set forth above.

2. Request for permission must be in writing and should be sent, together with an envelope addressed to the sender, to the permissions department of the publisher of the work. The request should include:

   a. The title, author or editor, and edition of materials for which permission is sought;

   b. The exact material to be used, with specification of amount, page numbers, chapters, including, if possible, a photocopy of the material;

   c. The number of copies the requestor proposes to make;

   d. The use to be made of the duplicated materials;

   e. The form of distribution;

   f. Whether or not the copies will be sold; and

   g. The process by which the material will be reproduced.

3. A copy of the written permission granted by the publisher or copyright owner shall be preserved by the teacher who may be required to present the written permission to the Principal or designee.

4. Teachers shall inform students on the limitations of the use of copyrighted material.

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R 2560 LIVE ANIMALS IN SCHOOL

A. Standards for Use

1. A teacher or other qualified adult supervisor must assume primary responsibility for the purposes and conditions of any study, activity, or performance that involves live animals in school.

2. Each study involving live animals will have as a clearly defined objective the teaching of some biological principle(s).

3. All animals used must be lawfully acquired in accordance with State and local laws, be healthy and free from transmissible diseases, and must have been vaccinated against rabies if susceptible. Proof of vaccination must be provided to the Principal or designee before the live animal is brought into the school building.

4. Animals may be handled only by the responsible adult supervisor and the student(s) directly involved in the study or performance.

5. Animals must be properly fed and provided with sanitary cage quarters.

6. When animals are kept on school grounds or in a school building over vacation periods, adequate housing must be provided and a qualified caretaker must be assigned the specific duties of care and feeding.

7. Teachers of students pursuing investigations at other than regular class periods while in school as part of a school assignment or project (such as a school science fair) will be bound by these regulations.

8. The Principal or designee must approve a live animal being brought into the school building and the use of any animal in a course of instruction or the establishment of an animal habitat in a classroom.

9. The Principal or designee will make a determination that no student in a class where the animal will be housed is allergic to the animal and would suffer an adverse reaction to the animal. The Principal or designee should also attempt to determine if any other student in the school building could suffer an adverse reaction. If the Principal or designee determines that there is a student(s) who would suffer an adverse reaction, the Principal or designee shall deny approval to have the animal in the school.

B. Injury to Persons

The following steps will be followed in the event a student, staff member, or visitor to school is bitten or scratched by an animal in school. The teaching staff member or adult supervisor in charge will:

1. Take immediate and prudent steps to prevent further injury;

2. Follow Regulation No. 8441 for The Care of Injured and Ill Persons; and

3. Capture and impound the animal, pending a determination of the Board of Health regarding any further action.

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R 2624 GRADING SYSTEM

A. Purpose of Grading

1. The purpose of grading is to assist students in the process of learning; all grading systems will be subject to continual review and revision to that end.

2. Grades acknowledge a student's demonstrated proficiency in the New Jersey Core Curriculum Content Standards and locally established learning goals and objectives:

   a. Active participation in and attention to daily lessons,

   b. Frequent contribution to discussions,

   c. Prompt, thorough, accurate, and neat preparation of assignments,

   d. Thorough preparation and performance on tests and assessments,

   e. Display of an eagerness to learn and an inquisitive approach to lessons,

   f. Attention to the need for proper materials,

   g. Cooperation with the teacher's efforts, and

   h. Willingness to work to the best of his/her ability and to do more than the minimum expected.

B. Preparation for Grading

1. Each student must be informed of the behavior and achievements expected of him/her at the outset of each course of study or unit of study.

2. Each student must be kept informed of his/her progress during the course of a unit of study. Students who so request are entitled to see the grades resulting from their performance during the grading period.

3. Each method of grading shall be appropriate to the course of study and the maturity and abilities of the students.

4. Students should be encouraged to evaluate their own achievements.

5. The process of review and revision will involve teaching staff members, parent(s) or legal guardian(s), and, as appropriate, students.

C. Grading Periods

1. Grades will be awarded at the end of each marking period.

2. Students will be given notice of their mid-term grades at mid-point of each marking period.

3. Students will be given a final grade in each subject at the end of the school year.

4. Grades will be recorded on report cards for parent(s) or legal guardian(s) notification in accordance with Policy No. 5420 and Regulation No. 5420.

D. Basis for Grading

The teacher responsible for assigning a grade should take into consideration the student's:

1. Completion of written assignments prepared in the classroom or elsewhere;

2. Oral contributions in class, including discussion responses, observations, panel participation, presentations, initiation of topics;

3. Performance on oral and written tests and quizzes;

4. Research into standard references and other background materials;

5. Oral and written reports on materials read by the student;

6. Laboratory work;

7. Term papers;

8. Special oral or written reports;

9. Other evidences of the student's constructive efforts and achievements in learning; and

10. For the final grade, the student's attendance record, in accordance with Policy Nos. 5200, 5410, and 5460.

E. Meaning of Grades

1. The following grades will be given in each academic subject at the end of each marking period:

   a. A grade of A indicates superior performance. It may be given to a student whose achievement is significantly above grade level; whose work achieves a quality and quantity that consistently excels; and who demonstrates a high degree of initiative, application, and purpose.

   b. A grade of B indicates above average performance. It should be given to a student whose achievement is above grade level; whose work frequently excels; and who generally demonstrates strength in the subject.

   c. A grade of C indicates average performance. It should be given to a student whose achievement in most areas of the subject are average; whose work is acceptable; and who demonstrates a satisfactory degree of proficiency.

   d. A grade of D indicates below average performance. It should be given to a student whose achievement in the subject is barely passing; whose work is the minimum acceptable for credit; and who demonstrates only weak proficiencies in the subject.

   e. A grade of F indicates failing performance and that no credit can be given for the subject. It should be given to a student who has not met the minimum requirements of the course; who has demonstrated an inability or unwillingness to master the basic elements of the course; or who has failed to meet the minimum attendance standards necessary to pass a course of study.

   f. Letter grades may be modified by plus or minus signs.

2. The following grading scales and indicators shall be used:

   Elementary Grades

   Grade Key - Academic

   3 = Achieves Standards (Meeting stated grade-level benchmarks)

   2 = Developing Standards (Approaching stated grade-level benchmarks)

   1 = Needs Support (Below stated-grade level benchmarks)

   N/A = Not assessed at this time

Grade Key - Personal Development/Social Skills

C = Consistently

S = Sometimes

I = Infrequently

Grade Key - Special Areas

4 = Exemplary

3 = Proficient

2 = Developing

1 = Limited

Middle School

Grade Key - Academic

A+ = 97-100 A = 93-96 A- = 90-92

Excellent - Mastery Beyond Basic Curriculum

B+ = 87-89 B = 83-86 B- = 80-82

Good - Definite Mastery of Curriculum

C+ = 77-79 C = 73-76 C- = 70-72

Satisfaction - Probable Mastery of Curriculum

D = 65-69

Unsatisfactory - May not advance, Mastery unlikely

F = 0-64

Failing - Must not advance, No Mastery evident

P = Pass

F. Grade Validation

In order that he/she may justify a grade, each teacher is directed to retain in his/her possession the following records to validate grades awarded to students. The records should be kept for a minimum of six years after the end of the school year in which the grades were awarded.

1. The daily attendance and tardiness record;

2. All grades earned for classroom activities such as quizzes, tests, reports, and class recitations;

3. All grades earned for activities conducted elsewhere, such as homework assignments and term papers;

4. Any notation regarding the meaning of each grade and its relation to the type of activity or material covered;

5. Any notation of discussions with the student on a grade or the student's cumulative grade average;

6. Any referrals for guidance, discipline, and the like; and

7. Any notations recording communications between the teacher and the parent(s) or legal guardian(s), the Principal, or other teaching staff members.

G. Appeal

1. Each teacher is responsible for the determination of the grade a student receives for participation in the teacher's course of study.

2. Each teacher may be required to furnish reasons, supported by evidence (see paragraph E above) to substantiate any grade earned.

3. If a grade is challenged by a student or a parent(s) or legal guardian(s), the teacher will convene a conference and will explain the grading system and the reasons for the final grade.

4. If the parent(s) or legal guardian(s) or student is not satisfied by the teacher's explanations, he/she may appeal the grade to the Principal, who will consult with the teacher and the student in an attempt to resolve the dispute. The Principal will give every reasonable deference to the teacher's professional judgment.

5. If the Principal determines that the grade should be changed, he/she will alter the grade on all records and indicate by whose authority the grade has been changed.

6. No reprisals will be taken in any form against a teacher who remains determined in his/her belief that the grade originally given is fair and correct.

7. The Superintendent may hear an appeal from the Principal's determination. Only in the most extraordinary circumstances will the Superintendent alter a grade determined at the school building level.

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R 3000 TEACHING STAFF MEMBERS

Number	Title
R 3126	District Mentoring Program
R 3142	Nonrenewal of Nontenured Teaching Staff Member
R 3144	Certification of Tenure Charges
R 3146	Conduct of Reduction in Force
R 3160	Physical Examination (M)
R 3211.3	Consulting Outside the District
R 3212	Professional Staff Attendance Review and Improvement Plan
R 3218	Use, Possession, or Distribution of Substances (M)
R 3221	Evaluation of Teachers (M)
R 3222	Evaluation of Teaching Staff Members, Excluding Teachers and Administrators (M)
R 3223	Evaluation of Administrators, Excluding Principals, Vice Principals, and Assistant Principals (M)
R 3224	Evaluation of Principals, Vice Principals, and Assistant Principals (M)
R 3230	Outside Activities
R 3232	Tutoring Services
R 3233	Political Activities
R 3240	Professional Development for Teachers and School Leaders (M)
R 3280	Liability for Student Welfare
R 3281	Inappropriate Staff Conduct
R 3321	Acceptable Use of Computer Network(s)/Computers and Resources by Teaching Staff Members
R 3362	Sexual Harassment of Teaching Staff Members Complaint Procedure
R 3425.1	Modified Duty Early Return To Work Program - Teaching Staff Members
R 3432	Sick Leave

R 3126 DISTRICT MENTORING PROGRAM

The Board of Education is authorized to employ a holder of a certificate of eligibility (CE) or certificate of eligibility with advanced standing (CEAS) after its mentoring plan has been approved pursuant to N.J.A.C. 6A:9C-5.1.

A. Definitions (N.J.A.C. 6A:9-2.1)

1. "Certificate of Eligibility or CE" means a certificate with lifetime validity issued to persons who have completed degree, academic study, and applicable test requirements for certification. The CE permits the applicant to seek and accept employment in corresponding positions requiring certification.

2. "Certificate of Eligibility with Advanced Standing or CEAS" means a certificate with a lifetime validity issued to persons who have completed degree, academic study, applicable test requirements, and CEAS educator preparation programs for certification. The CEAS permits the applicant to seek and accept employment in positions requiring certification.

3. "District mentoring program" means a program of induction and support for non-tenured teachers, including novice provisional teachers and experienced teachers new to a school district, designed to develop them into effective professionals within the school district.

4. "Endorsement" means an authorization allowing a certificate holder to teach one or more specific subject area(s) or to serve in one or more specific teaching staff role(s).

5. "Mentor teacher" means an experienced, certified New Jersey teacher who is assigned to provide support and guidance to a novice teacher.

6. "Novice teacher" means any teacher serving full- or part-time under a provisional certificate who has not yet been issued a standard instructional certificate in any endorsement area.

7. "Professional Standards for Teachers" means the knowledge, skills, and dispositions that all teachers must acquire to practice as teachers in accordance with N.J.A.C. 6A:9-3.3.

8. "Provisional teaching period" means a minimum of two years of full-time teaching under a provisional certificate required of all novice teachers before they are eligible to be recommended for a standard certificate.

B. Requirements for District Mentoring Program

1. The district shall develop a mentoring program to provide non-tenured teachers, including novice provisional teachers who hold a CE or CEAS, with an induction to the teaching profession and to the school district community through differentiated supports based on the teachers' individual needs and to help them become effective professionals.

2. The goals of the district mentoring program shall be to enhance teacher knowledge of, and strategies related to, the New Jersey Student Learning Standards (NJSLS) to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching; and assist first-year teachers in performing their duties and adjusting to the challenges of teaching.

3. The Board of Education shall determine how each non-tenured teacher in his or her first year of employment, which shall be equal to at least thirty weeks, shall be provided with the following supports:

a. Comprehensive induction to school district policies and procedures including, but not limited to, introduction to school district curricula, student assessment policies, and training on the school district's evaluation rubric, including setting and assessing student learning through student growth objectives;

b. Individualized supports and activities, which shall be assigned at the school district's discretion and shall be aligned with the Professional Standards for Teachers at N.J.A.C. 6A:9-3.3, the Standards for Professional Learning at N.J.A.C. 6A:9C-3.3, and the school district's Commissioner-approved teaching practice instrument. The supports and activities shall be guided by:

(1) The non-tenured teacher's degree of preparation and experience;

(2) The non-tenured teacher's individual professional development plan (PDP) developed in accordance with N.J.A.C. 6A:9C-4.4;

(3) Areas of focus within the district mentoring plan; and

(4) Goals of the school and school district plans for professional development as described in N.J.A.C. 6A:9C-4.2.

c. One-to-one mentoring, which is required for each novice provisional teacher as set forth in 4. below.

4. The district shall provide an individual mentor to work one-to-one with a novice provisional teacher and ensure:

a. Each novice provisional teacher is assigned an individual mentor at the beginning of the contracted teaching assignment;

b. The mentor teacher provides observation and feedback, opportunities for the novice teacher to observe effective practice, and confidential guidance and support in accordance with the Professional Standards for Teachers, and guides the teacher in a self-assessment on the school district's Commissioner-approved teaching practice instrument;

c. The one-to-one mentoring includes planned, in-person contact time between the mentor teacher and the novice provisional teacher holding a CE or CEAS over the course of the academic year, or proportionally longer if the novice provisional teacher holds a part-time teaching assignment;

d. The mentor teacher and the novice provisional teacher holding a CEAS meet at least once per week for the first four weeks of the teaching assignment;

e. The mentor teacher and the novice provisional teacher holding a CE meet at least once per week for the first eight weeks of the teaching assignment:

(1) The one-to-one mentoring shall support the novice provisional teacher in achieving the curricular objectives of the formal instructional program in which the novice provisional teacher holding a CE is enrolled.

f. All contact time between the mentor teacher and the novice provisional teacher shall be recorded in a log, developed as part of the district mentoring plan, submitted to the Superintendent or designee, and maintained within the school district.

5. All novice provisional teachers whose positions require possession of instructional certificates pursuant to N.J.S.A. 18A:26-2 and N.J.A.C. 6A:9B-5.1 shall comply with the district mentoring program requirements.

6. The district shall budget State funds appropriated for the novice teacher mentoring program.

   a. Subject to the availability of funds, the Department of Education shall appropriate State funds based on the number of novice teachers employed each year by the Board of Education.

   b. The Board of Education shall ensure State funds appropriated for this program supplement, and not supplant, Federal, State, or local funds already devoted to planning and implementing a novice teacher mentor program.

   c. The Board of Education shall ensure State funds are used for one or more of the following:

      (1) Stipends for mentor teachers;

      (2) The costs associated with release time;

      (3) Substitutes for mentor and novice teachers; and

      (4) Professional development and training activities related to the program.

   d. If no State funds are available to pay the costs of mentoring fees, candidates who are required to complete a provisional period of teaching to obtain standard certification shall be responsible for payment of mentoring fees during the first provisional year. The Board may, at its discretion, pay all or part of the mentoring fees.

7. The school district's administrative office shall oversee the payment of mentors. Payment shall not be conferred directly from provisional novice teacher to mentor.

C. Mentor requirements

1. The Superintendent shall oversee the mentor selection process and ensure the individual mentor of a novice provisional teacher meets the following minimum requirements:

   a. Holds an instructional certificate and, when possible, is certified in the subject area in which the novice provisional teacher is working;

   b. Has at least three years of experience and has taught full-time for at least two years within the last five years;

   c. Does not serve as the mentee's direct supervisor nor conduct evaluations of teachers;

   d. Demonstrates a record of success in the classroom:

      (1) All mentor teacher applicants shall have received a summative rating of effective or highly effective on the most recent summative evaluation, pursuant to N.J.A.C. 6A:10.

         (a) A mentor teacher applicant in a school or school district not required pursuant to N.J.A.C. 6A:10-1 to issue summative evaluations shall demonstrate at least one year of effective teaching on his or her most recent evaluation as determined by his or her supervisor.

   e. Understands the social and workplace norms of the school district and the community it serves;

   f. Understands the resources and opportunities available in the school district and is able to act as a referral source to the novice provisional teacher; and

   g. Completes a comprehensive mentor training program with a curriculum that includes, at a minimum, training on the school district's teaching evaluation rubric and practice instrument, Professional Standards for Teachers, NJSLS, classroom observation skills, facilitating adult learning, and leading reflective conversations about teaching practice.

D. District Mentoring Plan

1. The Superintendent or designee shall develop a district mentoring plan as part of the school district's PDP pursuant to N.J.A.C. 6A:9C-4.4. The district mentoring plan shall include logistics for its implementation and describe the school district's responsibilities pursuant to N.J.A.C. 6A:9C-5.

   a. The Superintendent shall submit the district mentoring plan to the Board of Education for review of its fiscal impact.

   b. The Superintendent or designee shall share the district mentoring plan with each school improvement panel, which shall oversee the school-level implementation of the district mentoring plan and shall communicate the plan to all non-tenured teachers and their mentors.

   c. The Superintendent or designee annually shall review the plan and revise it, as necessary, based on feedback from mentor logs, each school improvement panel, and data on teacher and student performance.

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R 3142 NONRENEWAL OF NONTENURED TEACHING STAFF MEMBER

A. Evaluations

1. Each nontenured teaching staff member shall be evaluated in strict compliance with statute, N.J.S.A. 18A:27-3.1, rules of the State Board of Education, N.J.A.C. 6A:10-1.1 et seq., and the policies and procedures of this district.

B. Nonrenewal Recommendation

1. When a nontenured teaching staff member's performance does not meet the standards of the district, the Principal or the nontenured teacher's immediate supervisor shall recommend to the Superintendent that the teaching staff member should not be reemployed in the following school year.

2. The nontenured teaching staff member shall be informed by the Superintendent, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured teaching staff member on or before May 15.

3. A recommendation by the Superintendent for nonrenewal may be based upon the nontenured teaching staff member's evaluations, job performance, or any factor affecting his/her employment in this district.

4. Nontenured teaching staff members' contracts can only be renewed upon the Superintendent's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.

C. Nonrenewal Action

1. The Superintendent will notify Board members of the recommendation not to renew a nontenured teaching staff member's contract before notifying the nontenured teaching staff member of the recommendation to not renew. The Superintendent may notify the Board members of the recommendation not to renew the nontenured teaching staff member's contract and the reasons for the recommendation in a written notice to the Board prior to May 15. In the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured teaching staff member in an executive session. Using this option, the Chief School Administrator and the Board will

meet in executive session prior to May 15 to review the Superintendent's recommendation(s) for nonrenewal of nontenured teaching staff members. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured teaching staff members whose possible nonrenewal will be discussed at the meeting. If any such employee requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting prior to May 15.

2. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board's vote is not required on the Superintendent's recommendation(s) to not renew a nontenured teaching staff member's contract.

D. Notice of Nonrenewal

1. Notice of the Superintendent's decision not to renew shall be given to each nontenured teaching staff member not recommended for renewal on or before May 15 in accordance with N.J.S.A. 18A:27-10. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.

2. The nonrenewal notice shall be in writing and provided to the nontentured teaching staff member not recommended for renewal on or before May 15. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured teaching staff member's address of record.

E. Request for Statement of Reasons

1. A nonrenewed teaching staff member will be given a written statement of the reasons for which he/she was not renewed provided the teaching staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the teaching staff member received written notice of his/her nonrenewal. N.J.S.A. 18A:27-3.2.

2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.

3. The statement of reasons will be prepared by the Superintendent and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.

F. Nonrenewal Appearance

1. A teaching staff member who has requested a statement of reasons for non-reemployment pursuant to N.J.S.A. 18A:27-3.2, will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the nontenured teaching staff member's receipt of the written statement of reasons. N.J.A.C. 6A:10-8.1(a).

2. A date for the informal appearance shall be scheduled within thirty calendar days from the teaching staff member's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, depending upon each instance's specific circumstances. The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.S.A. 10:4-12(b)(8).

3. The teaching staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.

4. The purpose of the appearance shall be to permit the nonrenewed teaching staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured teaching staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance shall not be an adversary proceeding.

5. The teaching staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on his/her behalf. Witnesses do not need to present testimony under oath and their statements may be recorded. The Board will hear witnesses and shall not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.

G. Final Determination

1. A nontenured teaching staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured teaching staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must approve the reemployment based on the Superintendent's recommendation.

2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the teaching staff member reemployment after the informal appearance before the Board.

3. The final determination will be delivered to the teaching staff member, in writing, no later than three days following the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.

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R 3144 CERTIFICATION OF TENURE CHARGES

A. Definition

1. For the purposes of Policy 3144 and this Regulation, "day" means business day when the period specified is less than seven days, and calendar day when the period specified is seven days or more; provided however, that calculations do not include the day of the action from which they are computed but do not include the last day of the period being computed unless such day falls on a Saturday, Sunday or holiday, in which case the last day shall be deemed the next business day immediately following. Filings received after the close of business (4:15 p.m.) shall be deemed filed on the next business day.

B. Filing of Written Charges and Certificate of Determination – N.J.A.C. 6A:3-5.1

1. N.J.A.C. 6A:3-1.3 - Filing and Service of Petition of Appeal shall not apply in a case of tenure charges filed with the Commissioner against an employee of a Board of Education or a school district under full State intervention. In place of the usual petition, the Board or the State District Superintendent shall file written charges and the required certificate of determination with the Commissioner, together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or the State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as charges are filed with the Commissioner.

   a. In accordance with N.J.S.A. 34:13A-24, fines and suspensions imposed as minor discipline shall not constitute a reduction in compensation pursuant to the provisions of N.J.S.A. 18A:6-10 where the negotiated agreement between a Board of Education and the majority representative of the employees in the appropriate collective bargaining unit provides for such discipline. In these cases, tenure charges shall not be filed to impose minor discipline on a person serving under tenure.

2. In all instances of the filing and certification of tenure charges, except charges filed against a teacher, Principal, Assistant Principal, or Vice Principal for reasons of inefficiency pursuant to N.J.S.A. 18A:6-17.3, the following procedures and timelines shall be observed:

a. Charges shall be stated with specificity as to the action or behavior underlying the charges and shall be filed in writing with the Secretary of the Board of Education or the State District Superintendent, accompanied by a supporting statement of evidence, both of which shall be executed under oath by the person(s) instituting such charges.

b. Along with the required sworn statement of evidence, charges shall be transmitted to the affected tenured employee and the employee's representative, if known, within three working days of the date they were filed with the Secretary of the Board of Education or the State District Superintendent. Proof of mailing or hand delivery shall constitute proof of transmittal.

c. The affected tenured employee shall have an opportunity to submit to the Board of Education or the State District Superintendent a written statement of position and a written statement of evidence, both of which shall be executed under oath with respect thereto within fifteen days of receipt of the tenure charges.

d. Upon receipt of the tenured employee's written statements of position and evidence under oath, or upon expiration of the allotted fifteen-day time period, the Board of Education shall determine by a majority vote of its full membership, or the State District Superintendent shall determine, within forty-five days whether there is probable cause to credit the evidence in support of the charges and whether such charges, if credited, are sufficient to warrant a dismissal or reduction of salary. In accordance with the provisions of N.J.S.A. 18A:6-13, if the Board of Education does not make a determination within forty-five days after receipt of the written charges, the charges shall be deemed to be dismissed and no further proceeding or action shall be taken.

e. The Board of Education or the State District Superintendent shall provide, within three working days, written notification of the determination to the employee against whom the charges has been made, in person or by certified mail to the last known address of the employee and the employee's representative, if known.

f. If the Board of Education or the State District Superintendent finds probable cause exists and the charges, if credited, are sufficient to warrant a dismissal or reduction of salary, then the Board or the State District Superintendent shall file, within fifteen days, written charges with the Commissioner. The charges shall be stated with specificity as to the action or behavior underlying the charges and shall be accompanied by the required certificate of determination together with the name of the attorney who is anticipated for administrative purposes will be representing the Board of Education or State District Superintendent and proof of service upon the employee and the employee's representative, if known. Such service shall be at the same time and in the same manner as the filing of charges with the Commissioner.

g. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting.

3. If the tenure charges are charges of inefficiency pursuant to N.J.S.A. 18A:6-17.3, except in the case of Principals and Vice Principals in school districts under full State intervention, where procedures are governed by the provisions of N.J.S.A. 18A:7A-45 and such rules as may be promulgated to implement it, the following procedures and timelines shall be observed:

a. When the conditions described in N.J.S.A. 18A:6-17.3.a(1) or (2) and as outlined in Policy 3144.12 have been satisfied, the Superintendent shall promptly file with the Secretary of the Board a charge of inefficiency.

b. The charges of inefficiency shall be transmitted to the affected tenured employee and the employee's representative, if known, within three working days of the date the charges were filed with the Secretary of the Board or State District Superintendent. Proof of mailing or hand delivery shall constitute proof of transmittal.

c. The affected tenured employee shall have an opportunity within ten days of receipt to submit to the Board or State District Superintendent a written statement of position under oath demonstrating how the school district failed to comply with evaluation procedures.

d. Within thirty days of the filing, the Board or State District Superintendent shall forward a written charge to the Commissioner unless the Board or the State District Superintendent determines the evaluation process has not been followed. Such determination shall be made by a majority vote of the Board's full membership or by the State District Superintendent.

e. Upon receipt of the charge, the Commissioner or his or her designee shall examine the charge. The charge shall again be served upon the employee at the same time it is forwarded to the Commissioner and proof of service shall be included with the filed charge. The individual against whom the charge is filed shall have ten days to submit to the Commissioner a written response to the charge.

f. Within five days of the individual's deadline to submit a written response to the charge, the Commissioner shall appoint an arbitrator to hear the case and refer the case to the arbitrator, unless he/she determines the evaluation process has not been followed.

g. Pursuant to N.J.S.A. 18A:6-11, all deliberations and actions of the Board of Education with respect to such charges shall take place at a closed/executive session meeting.

4. The provisions of N.J.A.C. 6A:3-5.1 shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.

C. Format of Certificate of Determination

1. The certificate of determination that accompanies the written charges shall contain a certification by the Board of Education Secretary or the State District Superintendent:

a. The Board of Education or the State District Superintendent has determined the charges and the evidence in support of the charges are sufficient, if true in fact, to warrant dismissal or a reduction in salary;

b. Of the date, place, and time of the meeting at which such determination was made and whether the employee was suspended and, if so, whether such suspension was with or without pay; and

c. The determination was made by a majority vote of the whole number of members of the Board of Education or by the State District Superintendent in accordance with N.J.S.A. 18A:7A-39.

2. The provisions of N.J.A.C. 6A:3-5.2 shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.

D. Filing and Service of Answer to Written Charges – N.J.A.C. 6A:3-5.3

1. Except as specified in N.J.A.C. 6A:3-5.1(c)5, an individual against whom tenure charges are certified shall have fifteen days from the date such charges are filed with the Commissioner to file a written response to the charges. Except as to the time for filing, the answer shall conform to the requirements of N.J.A.C. 6A:3-1.5(a) through (d).

a. Consistent with N.J.A.C. 6A:3-1.5(g), nothing in N.J.A.C. 6A:3-5.3 precludes the filing of a motion to dismiss in lieu of an answer to the charges, provided the motion is filed within the time allotted for the filing of an answer. Briefing on the motions shall be in the manner and within the time fixed by the Commissioner, or by the arbitrator if the motion is to be briefed following transmittal to an arbitrator.

2. Upon written application by the person against whom charges are filed, the Commissioner may extend the time period for the filing of an answer upon a finding of good cause shown consistent with the provisions of N.J.S.A. 18A:6-16. Such application shall be received prior to the expiration of the fifteen-day answer period, or the ten-day answer period specified in N.J.A.C. 6A:3-5.1(c), and a copy shall be served upon the charging Board of Education or the State District Superintendent. The Board of Education or State District Superintendent shall promptly notify the Commissioner of any opposition to the request.

a. A request for extension that is received after the fifteen-day period allotted for an answer to tenure charges, or after the ten-day period allotted in N.J.A.C. 6A:3-5.1(c) will be considered only in the event of demonstrated emergency or other unforeseeable circumstance such that the request could not have been made within the requisite filing period.

3. If no answer is filed within the requisite time period and no request for extension is made, or if the request is denied by the Commissioner, or the charged employee submits an answer or other responsive filing indicating the employee does not contest the charges, the charges shall be deemed admitted by the charged employee.

4. The provisions of N.J.A.C. 6A:3-5.3 shall not apply to employees of Charter Schools, who are governed by the provisions of N.J.A.C. 6A:11-6.

E. Determination of Sufficiency and Transmittal for Hearing – N.J.A.C. 6A:3-5.5

1. Except as specified in N.J.A.C. 6A:3-5.1(c), within ten days of receipt of the charged party's answer or expiration of the time for its filing, the Commissioner shall determine whether such charge(s) are sufficient, if true, to warrant dismissal or reduction in salary. If the charges are determined insufficient, they shall be dismissed and the parties shall be notified accordingly. If the charges are determined sufficient, the matter shall be transmitted immediately to an arbitrator for further proceedings, unless the Commissioner retains the matter pursuant to N.J.A.C. 6A:3-1.12.

   a. A notice of transmittal shall be issued to the parties by the Department of Education on the same date as the matter is transmitted to an arbitrator.

2. Where a party to a tenure matter requests, the Commissioner may agree to hold the matter in abeyance at any time prior to transmittal to an arbitrator. Thereafter, requests to hold the matter in abeyance shall be directed to the arbitrator. Any request for abeyance, whether directed to the Commissioner or the arbitrator, shall be consistent with the intent of N.J.S.A. 18A:6-16 as amended by P.L. 1998, c.42.

F. Withdrawal, Settlement, or Mooting of Tenure Charges – N.J.A.C. 6A:3-5.6

1. Once tenure charges are certified to the Commissioner, they may be withdrawn or settled only with approval. Any proposed withdrawal or settlement, whether submitted to the Commissioner or to the arbitrator, shall address the following standards established by the State Board of Education in the matter entitled *In re Cardonick*, State Board decision of April 6, 1983 (1990 *School Law Decisions* (*S.L.D.*) 842, 846):

   a. Accompaniment by documentation as to the nature of the charges;

   b. Explication of the circumstances justifying settlement or withdrawal;

   c. Consent of both the charged and charging parties;

   d. Indication the charged party entered into the agreement with a full understanding of his or her rights;

e. A showing the agreement is in the public interest; and

f. If the charged party is a teaching staff member, a showing the teaching staff member has been advised of the Commissioner's duty to refer tenure determinations resulting in loss of position to the State Board of Examiners for possible suspension or revocation of certificate.

2. A settlement agreement shall not propose terms that would restrict access to information or records deemed public by law or result in misrepresentation of the reason for an employee's separation from service. If tenure charges have been certified to the Commissioner by a Board of Education, any proposed settlement shall indicate, by signature of the Board Attorney or inclusion of a Board of Education resolution authorizing settlement, that the Board of Education has consented to the terms of the settlement.

3. A proposed withdrawal or settlement of tenure charges shall be submitted to the Commissioner prior to transmittal of such charges to the arbitrator; thereafter, it shall be submitted to the arbitrator.

4. If tenure proceedings against a teaching staff member are concluded prior to adjudication because the charged party has unilaterally resigned or retired, the Commissioner may refer the matter to the State Board of Examiners for action against the charged party's certificate as it deems appropriate, when such referral is warranted under the provisions governing resignation or retirement prior to conclusion of tenure charges as set forth in N.J.A.C. 6A:9B-4.3.

5. If a proposed settlement requires the tenured employee to relinquish a certificate issued by the State Board of Examiners, upon approval of the settlement agreement, the Commissioner shall forward the matter to the State Board of Examiners for proceedings in accordance with N.J.A.C. 6A:9B-4.10.

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R 3146 CONDUCT OF REDUCTION IN FORCE

A. Seniority Lists

In order to determine the teaching staff member(s) affected by a reduction in force, a seniority list will be prepared for each seniority category. The Superintendent will

1. Determine the category or categories of employment in which each teaching staff member has served by reference to positions held and qualifying certification.

2. Determine whether the member has earned tenure in the district and in the position in which the category falls, in accordance with N.J.S.A. 18A:28-6. Tenure is earned in the positions of Assistant Superintendent, School Business Administrator, Principal, Assistant Principal, Vice Principal, supervisor, educational services personnel, school nurse, and teacher.

3. Calculate length of service in each category within a tenure position in which the employee has earned tenure.

   a. Length of service may be expressed in calendar months and days or in calendar years and portions of years, to two decimal places.

   b. Length of service commences from the day on which the employee began service in the category and ends with the end of the current school year or, in the case of previously riffed employees, the day on which the employee's district service was terminated.

4. Deduct from time of service in the category any periods of unpaid absence taken for any purpose other than study or research, except that the first thirty days, consecutive and aggregate, of such unpaid absence taken within any one school year will not be deducted.

5. Add periods of prior active military service, to a maximum of four years, to the member's length of service in the first category of district employment. Each full year of military service equals one year of seniority; a fraction of a year, ten months or longer, equals one year of seniority for a ten month employee.

6. Enter the total amount of service for the member's initial category of employment.

7. If the member has been transferred to a second category or successive categories, calculate the service time of each category in accordance with A1 through A4 and enter separately.

    a. Service in succeeding categories is included in the member's seniority in each earlier category.

    b. Each seniority list must clearly indicate the category or categories in which the member has earned seniority and the total accrued time in each.

B. RIF Procedures

1. Determine the category or categories of employment to be reduced in number in a reduction in force.

2. Transfer or dismiss nontenured teaching staff members in the reduced category, in accordance with Policy No. 3146.

3. If no nontenured member remains in the category, the least senior tenured member shall be transferred to a previous seniority category in the same tenure position over a nontenured member or a less senior member in that category.

4. If there are no positions within his/her seniority categories in the same tenure position to which the member may be transferred, the member shall be transferred to a position outside his/her seniority categories but within the same tenure position, provided the member is appropriately certified for the position and the position is held by a nontenured employee.

5. If there are no positions to which he/she can be transferred by right of seniority or tenure in the same tenure position, the member shall revert in reverse chronological order to each seniority category and tenure position in which he/she was previously employed in the district, in accordance with the procedure set forth in B3 through B4 above.

6. When there are no positions which the tenured member affected by a reduction in staff can claim over other tenured employees by superior seniority or over nontenured employees by tenure, he/she shall be dismissed, shall receive sixty days notice of such dismissal or pay in lieu thereof, and shall be placed on a preferred eligible list for each category in which he/she was employed by the district.

Issued: 27 August 2020

R 3160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.

2. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

3. "Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

4. "Physical examination" means the assessment of an individual's health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant.

5. "Physician assistant" means a health care professional licensed to practice medicine with physician supervision.

B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board's requirements for the physical examination.

   a. A health history shall include, but is not limited to, the candidate's:

      (1) Past serious illnesses and injuries;

      (2) Current health problems;

      (3) Allergies; and

      (4) A record of immunizations.

b. A health screening shall include, but is not limited to:

(1) Height;

(2) Weight;

(3) Pulse and respiratory rate;

(4) Hearing screening;

(5) Blood pressure; and

(6) Vision screening.

C. Medical Requirements Upon Employment

1. A Mantoux tuberculosis test shall be given upon employment of all newly hired staff members (full-time and part-time), and to all student teachers, school bus drivers on contract with the district, and to contractors or volunteers who have contact with students. Tuberculosis testing is not required for volunteers working with students less than twenty hours per month.

a. Tuberculosis testing is not required:

(1) For new staff members, student teachers, and contractors of the school district with a documented negative tuberculosis test result in the last six months or a documented positive tuberculosis test, regardless of when this test was done; or

(2) For a school district staff member transferring between school districts or from a non-public school within New Jersey with a documented tuberculosis test result upon his/her initial employment by a New Jersey school.

b. Staff members, student teachers, contractors or volunteers who have contact with students and claim a religious exemption cannot be compelled to submit to tuberculosis testing. In these instances, a symptom assessment must be done (TB-8 Form). If TB-like symptoms are reported, a physician must document that the staff member, student teacher, contractor, or volunteer does not have an active disease.

(1) The school district shall determine the criteria essential to document a valid religious exemption.

c. Procedures for the administration of the Mantoux tuberculosis test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines and requirements of the New Jersey Department of Health.

2. An individual teaching staff member may provide health-status information, including medications, that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the teaching staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

D. Health Records

1. All health records of candidates for employment who have received a conditional offer of employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files.

2. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.

E. Employees' Physical Examination and Medical Updates

1. School employee physicals, examinations, and/or annual medical updates shall not require disclosure of HIV status.

F. Comprehensive Fitness for Duty Examination of Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment will also be required to undergo a comprehensive fitness for duty physical examination by a school district approved physician or institution at the Board's expense.

a. This pre-employment physical examination shall not be used to determine a candidate's disabilities; and

b. This examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions pursuant to ADA.

2. The physician or institution completing the examination will be provided the fitness requirements for each position.

3. Comprehensive fitness for duty examinations will be required for all candidates for employment who receive a conditional offer of employment in the following job classifications in the school district:

   a. Custodian.

G. Review of Examinations and Assessments

1. The results of the physical examination of a candidate for employment who has received a conditional offer of employment will be reviewed by the school physician, who, in consultation with the Superintendent, will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.

H. Rescinding a Conditional Offer of Employment – Notice to Candidates for Employment Who Receive a Conditional Offer of Employment

1. All candidates for employment who receive a conditional offer of employment shall be informed by the district that:

   a. An offer of employment by the Superintendent of Schools or designee is conditional upon completion of the Board's required physical examinations and assessments;

   b. The required examinations and assessments will be used to determine the candidate's ability to perform with reasonable accommodations job-related functions pursuant to ADA; and

   c. If it is determined upon completing the examination(s) or assessment(s) the candidate is unable to perform with reasonable accommodations job-related functions pursuant to the provisions of the ADA, the conditional offer of employment will be rescinded either by the Superintendent if the Board has not yet approved the appointment or by the Board, if the Board had approved the appointment at a Board meeting.

Adopted: 27 August 2020

R 3211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that teaching staff members will have expertise and knowledge in areas that other school districts, agencies, private business organizations and other entities may desire. Recognizing that the school district will request the expertise from teaching staff members from other school districts, agencies, private business organizations and other entities the Board supports sharing of its teaching staff members with other school districts and agencies to the extent it does not interfere with the efficient operation of the school district.

A. Definitions

1. Agency - A public or private agency requesting the services of the school district's teaching staff member.

2. Other school districts - A school district other than the school district that employs the teaching staff member, including all supervisory and administrative personnel.

3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.

4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the teaching staff member, except out-of-pocket expenses.

5. Staff member - A contracted member of the school district's teaching staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The teaching staff member or the agency requesting the expertise and knowledge of the teaching staff member must submit a written request to the Superintendent or designee. The written request must include the following:

   a. The date(s) the teaching staff member will be away from the district;

   b. The time of day the teaching staff member will be away from the school district;

   c. Any out-of-pocket costs to the school district;

d. Any reimbursements that the teaching staff member is entitled to from the other school district or agency;

e. The specific services requested of the teaching staff member; and

f. The location where the services will be provided.

2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the teaching staff member's attendance record and the impact of the teaching staff member being out of the school district for the requested time.

3. The Superintendent or designee will determine and recommend each request on a case by case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.

4. If deemed to be in the best interest of the school district, the Superintendent's recommendation will be submitted to the Board for approval.

5. The Board's approval of the Superintendent's recommendation will permit the teaching staff member's consulting activity attendance and the teaching staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the teaching staff member if the request is approved by the Board.

6. The teaching staff member must normally complete any paid consulting activities on his/her own time which would include vacation days, evenings, weekends, and/or school holidays. The teaching staff member may be granted an unpaid leave of absence to perform the consulting activity when such leave is recommended by the Superintendent and approved by the Board.

D. Reporting Activities

The teaching staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

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R 3212 PROFESSIONAL STAFF ATTENDANCE REVIEW AND IMPROVEMENT PLAN

A. Statement of Attendance

The regular attendance of each staff member is an essential element in the efficient operation of the school district and the effective conduct of the educational program. Because absenteeism exacts a high cost in the depletion of district resources and in the disruption of the educational program, the Board of Education is vitally interested in the attendance of each employee and considers conscientious attendance an important criterion of satisfactory job performance.

Employment by the district imposes on each staff member the responsibility to be on the job on time every scheduled workday. This responsibility requires that employees maintain good health standards and manage their personal matters to avoid conflict with district responsibilities. Because the Board recognizes that certain absences are unavoidable, it will make certain allowances. Nevertheless, each individual staff member shall be held responsible and accountable for producing a good attendance record. This Policy shall also apply to any employee who works on either an hourly or part-time basis.

B. Normal Work Day

The number of hours per day for all staff employed on a full time basis will be as specified in the negotiated agreement and/or employee contract. This Policy also applies to any staff member who is employed for less than a full-time schedule.

C. Absent Notification

A staff member who, for any reason, finds that he/she will be unable to work as scheduled, is required to report his/her absenteeism to the secretary or person designated by his/her immediate supervisor to arrange for substitute coverage, if appropriate. When contacting the secretary or designated person, the staff member shall state his or her name, position, school, the reason(s) for the absence, and the expected date of return to work. Any staff member who fails to report his/her absence may be subject to disciplinary measures.

D. Expectation

1. All staff members are expected to strive for perfect attendance by:

   a. Keeping themselves physically fit and taking precautions against illness;

   b. Not permitting social projects to keep themselves away from school;

   c. Attending to personal business and obligations after work hours;

   d. Making a habit of obeying safety rules during and after work hours.

E. Maintaining Attendance Records

The Principal or immediate supervisor is required to maintain an updated attendance record on each staff member. The attendance record should be reviewed periodically and appropriate action taken when necessary.

1. The office of the Superintendent will maintain absentee records for each staff member;

2. The school secretary shall keep a daily absentee record which will remain on file in the office of the Superintendent;

3. The school secretary shall complete a monthly absentee report in duplicate. One copy shall be sent to the Board of Education office and one copy shall be retained and filed.

F. Guiding New Staff Members

Because the job of controlling attendance begins with hiring, administrators or immediate supervisors should check on previous employment and references to verify responsibility and dependability. Administrators and supervisors should meet with new staff periodically to ensure they understand the district's sick leave program procedure and attendance policy. They should then confirm that the new employee fully understands what is expected of him/her in terms of maintaining a good attendance record.

G. Annual Staff Orientation Session

To promote good attendance each year the Principal or supervisor shall devote an appropriate amount of time during the first day of orientation to the attendance policy and procedures. At this time, the Principal or supervisor will:

1. Explain the attendance policy;

2. Clarify any misunderstanding concerning the use of sick leave and explain what follow-up procedures will be exerted to keep absences to a minimum.

H. Counseling Absentees

The Principal or immediate supervisor should hold frequent discussions with any staff member who is chronically absent and/or late, and encourage a high degree of dependability. This includes any employee who has a pattern of absences that exceed ten days each year over a period of three years, or for a new employee, during the first and second year of employment. The Principal or immediate supervisor should require good attendance and make notes on appropriate attendance records indicating what was stated or done about attendance at each counseling session.

I. Reviewing Attendance

There is no such thing as a minimum number of sick days a staff member can use. Every staff member is expected to report to work on time and every day. This is a standard of performance that is expected of all staff members. However, there are circumstances beyond control that can cause the best attendance performer to be absent. Therefore, what constitutes unsatisfactory attendance must be determined on an individual basis.

Any staff member whose attendance reveals the following should be carefully scrutinized, contacted, counseled, monitored, and notified to improve attendance:

1. A pattern of absences occurring on a Friday and/or Monday;

2. A pattern of absences occurring on the day after payday, or on the day before or after a holiday;

3. A pattern of absences that exceed ten days each year over a period of three years or for a new employee, during the first and second year of employment.

When it appears that an employee is often absent because of illness, the Principal or immediate supervisor should discuss the case with the staff member. It should be made clear to the staff member that it may be necessary for the Principal or immediate supervisor to recommend to the School Business Administrator/Board Secretary that the Board of Education require a physical examination consistent with N.J.S.A. 18A:16-2.

It is essential for the Principal or immediate supervisor to be alert to poor attendance habits and to determine the causes behind any absences and tardiness. With this information, the Principal or immediate supervisor should then determine what assistance and/or rehabilitative services are needed by the staff member.

J. Attendance Improvement Program

The Superintendent will initiate procedures for an attendance improvement program in the district when staff attendance rate falls below ninety-five percent. The program will include:

1. Appropriate supervisory practices for producing a positive attendance pattern;

2. Preparation of a management plan for improving attendance when required;

3. A provision to include attendance in each staff member's evaluation;

4. Provisions for public acknowledgement of staff with outstanding attendance records;

5. Evaluation of the management plan through the preparation of an attendance situation audit.

K. Handling Difficult Attendance Problem Cases

When a staff member has been identified as having an attendance problem, every attempt shall be made by the administrator or immediate supervisor to help him/her to improve attendance. Each attempt must be dated and documented.

L. First Notification Letter

At the close of the school year, a letter will be sent to the employee documenting the pattern of absences and stating that continued poor attendance could result in disciplinary action. A copy of the letter will be placed in the employee's file.

M. Second Notification Letter

Between December 15 and 31, a second notification letter will be sent. This letter will report on the status of the employee's attendance since the first notification letter. In cases where the unsatisfactory attendance has continued, a doctor's note may be requested for any and all absences. A copy of the second notification letter, whether satisfactory or unsatisfactory, will be placed in the employee's file.

N. Third and Final Notification Letter

A third and final notification letter will be sent in June reporting on the status of the employee's attendance since the second notification letter. If the status of attendance is unsatisfactory, the employee will be notified of pending disciplinary action, which may include, but not be limited to:

1. Leave of absence with pay;

2. Leave of absence without pay;

3. Withholding salary adjustment;

4. Termination.

A copy of the third and final notification letter will be placed in the employee's file.

Issued: 27 August 2020

R 3218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES

A. Definition

1. "Board physician" means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.

2. "Principal or designee" means the teaching staff member's Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member's supervisor or a staff member designated by the teaching staff member's supervisor to be responsible at the time of the alleged violation.

3. "Substance" or "substances" as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2; any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

4. "Substance test" means a test conducted by a Board-approved laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.

5. "Under the influence" means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a Staff Member has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the Principal or designee in accordance with the provisions of Policy 3218 and N.J.A.C. 6A:16-6.3(a).

a. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the Principal or designee shall notify the Superintendent who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

b. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)2, the Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter including the identity of the staff member involved.

c. A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall be subject to appropriate discipline, which may include, but not be limited to, termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.

C. Procedures to be Followed When a Teaching Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a teaching staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.

a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:

(1) Immediately notify the Superintendent;

(2) Immediately meet with the teaching staff member;

(a) The Principal or designee may include another staff member in this meeting; and

(b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.

b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.

c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.

d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination by the Board physician. The medical examination shall include a substance test administered by the Board physician or a Board-approved laboratory.

e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.

f. The teaching staff member, prior to the medical examination and substance test, will be informed by the Board physician or designee on the type of testing to be completed and the substances that will be tested.

g. The teaching staff member may, prior to being examined or tested, disclose to the Board physician or designee any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.

h. Refusal by a teaching staff member to consent to the medical examination which includes a substance test will be deemed a positive test result for substances.

2. The results of the medical examination and substance test shall be used by the Board physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a confirmation test using acceptable confirmation test procedures.

a. Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the teaching staff member will be deemed a positive test result for substances.

3. The results of the substance test shall be provided to the Superintendent and Board physician within twenty-four hours of the test being administered or as soon as the test results are available. The Superintendent shall provide the teaching staff member with these results.

   a. In the event the results of the medical examination and substance test are not provided to the Superintendent, it will be deemed a positive test result for substances.

4. If the Board physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the teaching staff member shall return to their position in the school district unless the Superintendent has a reason the teaching staff member should not be returned to their position.

5. If the Board physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the Board physician will:

   a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the Board physician's determination.

   b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a laboratory selected by the teaching staff member and approved by the Board physician and Superintendent.

      (1) The Board physician will schedule and coordinate the confirmation test procedures, including the acceptable time period for the confirmation test to be conducted based on the existing test results, and the time in which a confirmation test result would be valid. This confirmation test shall be paid for by the teaching staff member.

      (2) The confirmation test results must be provided to the Board physician and Superintendent within the time period required by the Board physician.

(3) Any confirmation test results provided to the Board physician and Superintendent not within the time period required by the Board physician shall not be accepted and the teaching staff member shall be determined to have waived their right to have the results of a confirmation test considered.

c. After completing the requirements in 5. a. and b. above, the Board physician shall make a final determination whether the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.

(1) If the Board physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the Board physician will report a final determination to the Superintendent and the teaching staff member shall return to their position in the school district unless the Superintendent has a reason the teaching staff member should not be returned to their position. Any records or documentation regarding a negative medical examination or substance test shall not be included in the teaching staff member's personnel file.

(2) If the Board physician makes a final determination the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the Board physician will report a final determination to the Superintendent.

D. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance

1. Any teaching staff member determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.

a. The teaching staff member may include a staff member or a representative of their choice in this meeting.

2. The Superintendent will provide the teaching staff member an opportunity to respond to the Board physician's determination.

3. A teaching staff member determined to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include, but not be limited to:

   a. Withholding an increment;

   b. Terminating a non-tenured teaching staff member; and/or

   c. Filing tenure charges for a tenured teaching staff member.

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R 3221 EVALUATION OF TEACHERS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3221 unless the context clearly indicates otherwise:

"Announced observation" means an observation in which the person conducting an observation for the purpose of evaluation will notify the teacher of the date and the class period the observation will be conducted.

"Annual performance report" means a written appraisal of the teacher's performance prepared by the teacher's designated supervisor based on the evaluation rubric for his or her position.

"Annual summative evaluation rating" means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a teacher's evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

"Calibration" in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

"Chief School Administrator" means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

"Commissioner" means Commissioner of the New Jersey Department of Education.

"Co-observation" means two or more supervisors who are trained on the practice instrument who observe simultaneously, or at alternate times, the same lesson or portion of a lesson for the purpose of training.

"Corrective Action Plan" means a written plan developed by the designated supervisor in collaboration with the teacher to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teacher and the school district for implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

"Department" means the New Jersey Department of Education.

"Designated supervisor" means the supervisor designated by the Superintendent of Schools or designee as the teacher's supervisor.

"District Evaluation Advisory Committee" means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

"Educator practice instrument" means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies.

"Evaluation" means an appraisal of an individual's professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual's evaluation rubric.

"Evaluation rubric" means a set of criteria, measures, and processes used to evaluate all teachers in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instrument, and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

"Indicators of student progress and growth" means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

"Individual professional development plan" is as defined in N.J.S.A. 18A:6-119.

"Job description" means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

"Observation" means a method of collecting data on the performance of a teacher's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1.

"Post-observation conference" means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teacher for the purpose of evaluation to discuss the data collected in the observation.

"Scoring guide" means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Teacher practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

"Semester" means half of the school year.

"Signed" means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Student growth objective" means an academic goal that teachers and designated supervisors set for groups of students.

"Student growth percentile" means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student's test scores have changed relative to other students Statewide with similar scores in previous years.

"Superintendent" means Superintendent of Schools or Chief School Administrator.

"Supervisor" means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-12.

"Teacher" means a teaching staff member who holds the appropriate standard, provisional, or emergency instructional certificate issued by the Board of Examiners and is assigned a class roster of students for at least one particular course.

"Teacher practice instrument" means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the teacher practice instrument are components of the teacher's evaluation rubrics and the scores are included in the summative evaluation rating for the individual.

"Unannounced observation" means an observation in which the person conducting an observation for the purpose of evaluation will not notify the teacher of the date or time the observation will be conducted.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teachers – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for teachers. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.

2. The evaluation rubrics for teachers shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 (P.L. 2012, c. 26, § 17c).

3. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of teachers, unless otherwise specified:

   a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;

   b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):

      (1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to teaching staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to teaching staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.

   c. Ensure the Superintendent annually notifies all teachers of the adopted evaluation policies and procedures no later than October 1. If a teacher is hired after October 1, the Board/Superintendent shall notify the teacher of the policies and procedures at the beginning of his or her employment. All teachers shall be notified of amendments to the policy and procedures within ten working days of adoption;

   d. Annually adopt by June 1, any Commissioner-approved teacher practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;

   e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and

g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teacher for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and N.J.A.C. 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.

2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teachers and, when applicable, applying the Commissioner-approved educator practice instrument:

a. Annually provide training on and descriptions of each component of the evaluation rubric for all teachers who are being evaluated in the school district and provide more thorough training for any teacher who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instrument;

b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate teachers for the first time. Training shall be provided on each component of the evaluated teacher's evaluation rubric before the evaluation of a teacher;

c. Annually require each supervisor who will conduct observations for the purpose of evaluation of a teacher to complete at least two co-observations during the school year.

(1) Co-observers shall use the co-observation to promote accuracy and consistency in scoring.

(2) A co-observation may count as one required observation for the purpose of evaluation pursuant to N.J.A.C. 6A:10-4.4, as long as the observer meets the requirements set forth in N.J.A.C. 6A:10-4.3 and 4.4, but the co-observation shall not count as two or more required observations. If a co-observation counts as one required observation, the score shall be determined by the teacher's designated supervisor.

d. The Superintendent shall annually certify to the Department that all supervisors of teachers in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.

2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.

3. Beginning in 2018-2019, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District Evaluation Advisory Committee.

G. Evaluation Procedures for Teachers – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3221 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teachers.

2. Evaluation policies and procedures requiring the annual evaluation of all teachers shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

a. Roles and responsibilities for implementation of evaluation policies and procedures;

b. Job descriptions, evaluation rubrics for teachers, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;

c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;

d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;

e. Process for developing and scoring student growth objectives;

f. The process for preparation of individual professional development plans; and

g. The process for preparation of an annual performance report by the teacher's designated supervisor and an annual summary conference between the teacher and his or her designated supervisor.

3. The annual summary conference between designated supervisors and teachers shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:

a. The performance of the teacher based upon the job description and the scores or evidence compiled using the teacher's evaluation rubric, including, when applicable:

(1) The teacher's practice instrument; and

(2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.

b. The progress of the teacher toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and

c. The preliminary annual performance report.

4. If any scores for the teacher's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

5. The annual performance report shall be prepared by the teacher's designated supervisor and shall include, but not be limited to:

   a. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-4;

   b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teacher's evaluation rubric; and

   c. The teacher's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.

6. The teacher and the designated supervisor shall sign the report within five working days of the review.

7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teacher's personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

H. Corrective Action Plans for Teachers – N.J.A.C. 6A:10-2.5

1. For each teacher rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teacher and the teacher's designated supervisor. If the teacher does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.

2. The corrective action plan shall be developed and the teacher and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation except:

   a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teacher and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five teacher working days following the school district's receipt of the teacher's summative rating.

3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:

   a. Address areas in need of improvement identified in the teacher evaluation rubric;

   b. Include specific, demonstrable goals for improvement;

   c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and

   d. Include timelines for meeting the goal(s).

4. The teacher's designated supervisor and the teacher on a corrective action plan shall discuss the teacher's progress toward the goals outlined in the corrective action plan during each required post-observation conference, pursuant to N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-4.4. The teacher and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teacher's progress, position, or role.

5. Progress toward the teacher's goals outlined in the corrective action plan:

   a. Shall be documented in the teacher's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teacher on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teacher's progress toward his or her corrective action plan goals; and

   b. May be used as evidence in the teacher's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

6. Responsibilities of the evaluated teacher on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teacher's designated supervisor.

7. The School Improvement Panel shall ensure teachers with a corrective action plan receive a mid-year evaluation as required by N.J.S.A. 18A:6-120.c. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum, a conference to discuss progress toward the teacher's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.

8. The School Improvement Panel shall ensure teachers with a corrective action plan receive one observation, including a post-observation conference, in addition to the observations required in N.J.A.C. 6A:10-4.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 4.4(a).

9. Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, tenured teachers with a corrective action plan shall be observed by multiple observers for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4(c)4.

10. The corrective action plan shall remain in effect until the teacher receives his or her next summative evaluation rating.

11. There shall be no minimum number of teacher working days a teacher's corrective action plan can be in place.

I. School Improvement Panel – N.J.A.C. 6A:10-3 et seq.

1. School Improvement Panel Membership – N.J.A.C. 6A:10-3.1

a. The School Improvement Panel shall include the Principal, a Vice Principal, and a teacher who is chosen in accordance with b. below by the Principal in consultation with the majority representative. If an Assistant Principal or Vice Principal is not available to serve on the panel, the Principal shall appoint an additional member who is employed in the district in a supervisory role and capacity, in accordance with N.J.S.A. 18A:6-120.a. The Principal may appoint additional members to the School Improvement Panel as long as all members meet the criteria outlined in this section and N.J.S.A. 18A:6-120.a and the teacher(s) on the panel represents at least one-third of its total membership.

b. The Principal annually shall choose the teacher(s) on the School Improvement Panel through the following process:

(1) The teacher member shall be a person with a demonstrated record of success in the classroom. A demonstrated record of success in the classroom means the teacher member shall have been rated effective or highly effective in the most recent available annual summative rating.

(2) The majority representative, in accordance with a. above, may submit to the Principal, teacher member nominees for consideration.

(3) The Principal shall have final decision-making authority and is not bound by the majority representative's list of nominees.

c. The teacher member shall serve a full school year, except in case of illness or authorized leave, but may not be appointed more than three consecutive school years.

d. All members of the School Improvement Panel shall be chosen by August 31 of each year.

2. School Improvement Panel Responsibilities – N.J.A.C. 6A:10-3.2

a. The School Improvement Panel shall:

(1) Oversee the mentoring of teachers according to N.J.A.C. 6A:9C-5.3(a)2 and support the implementation of the school district mentoring plan;

(2) Conduct evaluations of teachers pursuant to N.J.A.C. 6A:10-2.4 and 4.4;

(3) Ensure corrective action plans for teachers are created in accordance to N.J.A.C. 6A:10-2.5; and ensure mid-year evaluations are conducted for teachers who are on a corrective action plan; and

(4) Identify professional development opportunities for all teachers based on the review of aggregate school-level data, including, but not limited to, teacher evaluation and student performance data to support school-level professional development plans described in N.J.A.C. 6A:9C-4.2.

b. To conduct observations for the purpose of evaluation, the teacher member shall have:

(1) Agreement of the majority representative;

(2) An appropriate supervisory certificate; and

(3) Approval of the Principal who supervises the teacher being observed.

c. The teacher member who participates in the evaluation process shall not serve concurrently as a mentor under N.J.A.C. 6A:9C-5.2(a)3.

J. Components of Teacher Evaluation Rubric – N.J.A.C. 6A:10-4.1

1. The components of the teacher evaluation rubric described in N.J.A.C. 6A:10-4.1 et seq. shall apply to teachers holding the position of teacher and holding a valid and effective standard, provisional, or emergency instructional certificate.

2. Evaluation rubrics for all teachers shall include the requirements described in N.J.S.A. 18A:6-123, including, but not limited to:

   a. Measures of student achievement pursuant to N.J.A.C. 6A:10-4.2; and

   b. Measures of teacher practice pursuant to N.J.A.C. 6A:10-4.3 and 4.4.

3. To earn a summative rating, a teacher shall have a student achievement score, including median student growth percentile and/or student growth objectives(s) scores, and a teacher practice score pursuant to N.J.A.C. 6A:10-4.4.

4. Each score shall be converted to a percentage weight so all components make up 100 percent of the evaluation rubric. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:

   a. If, according to N.J.A.C. 6A:10-4.2(b), a teacher receives a median student growth percentile, the student achievement component shall be at least thirty percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.

   b. If, according to N.J.A.C. 6A:10-4.2(b), a teacher does not receive a median student growth percentile, the student achievement component shall be at least fifteen percent and no more than fifty percent of a teacher's evaluation rubric rating as determined by the Department.

   c. Measures of teacher practice described in N.J.A.C. 6A:10-4.3 and 4.4 shall be at least fifty percent and no more than eighty-five percent of a teacher's evaluation rubric rating as determined by the Department.

5. Standardized tests, used as a measure of student progress, shall not be the predominant factor in determining a teacher's annual summative rating.

K. Student Achievement Components – N.J.A.C. 6A:10-4.2

1. Measures of student achievement shall be used to determine impact on student learning. The student achievement measure shall include the following components:

a. If the teacher meets the requirements of 2. below, the median student growth percentile of all students assigned to a teacher, which shall be calculated as set forth in 4. below; and

b. Student growth objective(s), which shall be specific and measurable, based on available student learning data, aligned to the New Jersey Student Learning Standards (NJSLS), and based on growth and/or achievement.

(1) For teachers who teach subjects or grades not covered by the NJSLS, student growth objective(s) shall align to standards adopted or endorsed, as applicable, by the State Board.

2. The median student growth percentile shall be included in the annual summative rating of a teacher who:

a. Teaches at least one course or group within a course that falls within a standardized-tested grade or subject. The Department shall maintain on its website a course listing of all standardized-tested grades and subjects for which student growth percentile can be calculated pursuant to 4. below;

b. Teaches the course or group within the course for at least sixty percent of the time from the beginning of the course to the day of the standardized assessment; and

c. Has at least twenty individual student growth percentile scores attributed to his or her name during the school year of the evaluation. If a teacher does not have at least twenty individual student growth percentile scores in a given school year, the student growth percentile scores attributed to a teacher during the two school years prior to the evaluation year may be used in addition to the student growth percentile scores attributed to the teacher during the school year of the evaluation. Only student growth percentile scores from school year 2013-2014 or any school year after shall be used to determine median student growth percentiles.

3. The Department shall periodically collect data for all teachers that include, but are not limited to, student achievement and teacher practice scores.

4. The Department shall calculate the median student growth percentile for teachers using students assigned to the teacher by the school district. For teachers who have a student growth percentile score:

   a. The Board of Education shall submit to the Department final ratings for all components, other than the student growth percentile, for the annual summative rating; and

   b. The Department then shall report to the employing district Board of Education the annual summative rating, including the median student growth percentile for each teacher who receives a median student growth percentile.

5. Student growth objectives for teachers shall be developed and measured according to the following procedures:

   a. The Superintendent shall determine the number of required student growth objectives for teachers, including teachers with a student growth percentile. A teacher with a student growth percentile shall have at least one and not more than four student growth objectives. A teacher without a student growth percentile shall have at least two and a maximum of four student growth objectives. By August 31 prior to the school year the evaluation rubric applies, the Department shall provide on its website the minimum and maximum number of required student growth objectives within this range.

   b. A teacher with a student growth percentile shall not use the standardized assessment used in determining the student growth percentile to measure progress toward a student growth objective.

   c. Each teacher shall develop, in consultation with his or her supervisor or a Principal's designee, each student growth objective. If the teacher does not agree with the student growth objectives, the Principal shall make the final determination.

   d. Student growth objectives and the criteria for assessing teacher performance based on the objectives shall be determined, recorded, and retained by the teacher and his or her supervisor by October 31 of each school year, or within twenty-five working days of the teacher's start date if the teacher begins work after October 1.

e. Adjustments to student growth objectives may be made by the teacher in consultation with his or her supervisor only when approved by the Superintendent or designee. Adjustments shall be recorded in the teacher's personnel file on or before February 15.

(1) If the Student Growth Objective (SGO) covers only the second semester of the school year, or if the teacher begins work after October 1, adjustments shall be recorded before the mid-point of the second semester.

f. The teacher's designated supervisor shall approve each teacher's student growth objective score. The teacher's student growth objective score, if available, shall be discussed at the teacher's annual summary conference and recorded in the teacher's personnel file.

L. Teacher Practice Components – N.J.A.C. 6A:10-4.3

1. The teacher practice component rating shall be based on the measurement of the teacher's performance according to the school district's Commissioner-approved teacher practice instrument. Observations pursuant to N.J.A.C. 6A:10-4.4 shall be used as one form of evidence for the measurement.

M. Teacher Observations – N.J.A.C. 6A:10-4.4

1. For the purpose of teacher evaluation, observers shall conduct the observations pursuant to N.J.S.A. 18A:6-123.b(8) and N.J.A.C. 6A:10-2.5 and 3.2, and they shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).

2. Observation conferences shall include the following procedures:

a. A supervisor who is present at the observation shall conduct a post-observation conference with the teacher being observed. A post-observation conference shall occur no more than fifteen teacher working days following each observation.

b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the teacher practice instrument and the teacher's individual professional development plan, collecting additional information needed for the evaluation of the teacher, and offering areas to improve effectiveness. Within a school year, the post observation conference shall be held prior to the occurrence of further observations for the purpose of evaluation.

c. If agreed to by the teacher, one required post-observation conference and any pre-conference(s) for observations of tenured teachers who are not on a corrective action plan may be conducted via written communication, including electronic.

d. One post-observation conference may be combined with a teacher's annual summary conference, as long as it occurs within the required fifteen teacher working days following the observation for the purpose of evaluation.

e. A pre-conference, when required, shall occur at least one but not more than seven teacher working days prior to the observation.

3. Each teacher shall be observed as described in N.J.A.C. 6A:10-4.4. For all teachers, at least one of the required observations shall be announced and preceded by a pre-conference, and at least one of the required observations shall be unannounced. The Superintendent shall decide whether additional required observations are announced or unannounced, if applicable. The following additional requirements shall apply:

a. Each observation required for the purpose of evaluation shall be conducted for at least twenty minutes.

b. Nontenured teachers shall be observed at least three times each school year, but not less than once each semester. The observations shall be conducted in accordance with the timeframe set forth in N.J.S.A. 18A:27-3.1.

(1) Except where a school district employs only one administrator whose position requires a supervisor, principal, or school administrator endorsement, nontenured teachers shall be observed during the course of the year by more than one appropriately certified supervisor.

c. Tenured teachers shall be observed at least two times during each school year. Observations for all tenured teachers shall occur prior to the annual summary conference, which shall occur prior to the end of the academic school year.

(1) If a tenured teacher was rated highly effective on his or her most recent summative evaluation and if both the teacher and the teacher's designated supervisor agree to use this option, one of the two required observations may be an observation of a Commissioner-approved activity other than a classroom lesson. The Department of Education shall post annually to its website a list of Commissioner-approved activities that may be observed in accordance with N.J.A.C. 6A:10-4.4.

d. Teachers on a corrective action plan shall receive, in accordance with N.J.A.C. 6A:10-2.5(h), one additional observation, including a post-observation conference.

e. Upon receiving a final summative evaluation that necessitates a corrective action plan, in accordance with N.J.A.C. 6A:10-2.5(a), any remaining required observation(s) shall not be conducted until the corrective action plan has been finalized.

f. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the teacher who was observed.

g. The teacher shall submit his or her written objection(s) of the evaluation within ten teacher working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

4. To earn a teacher practice score, a nontenured teacher shall receive at least three observations.

a. If a nontenured teacher is present for less than forty percent of the total student school days in a school year, he or she shall receive at least two observations to earn a teacher practice score.

N. Teacher Practice Instrument – N.J.A.C. 6A:10-7.2

1. The teacher practice instrument approved by the Department shall meet the following criteria:

a. Include domains of professional practice that align to the New Jersey Professional Standards for Teachers pursuant to N.J.A.C. 6A:9-3;

b. Include scoring guides for assessing teacher practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall:

(1) Clearly define the expectations for each rating category;

(2) Provide a conversion to four rating categories;

(3) Be applicable to all grades and subjects; or to specific grades and/or subjects if designed explicitly for the grades and/or subjects; and

(4) Use clear and precise language that facilitates common understanding among teachers and administrators.

c. Rely on, to the extent possible, specific, discrete, observable, and/or measurable behaviors of students and teachers in the classroom with direct evidence of student engagement and learning; and

d. Include descriptions of specific training and implementation details required for the instrument to be effective.

Adopted: 27 August 2020

R 3222 EVALUATION OF TEACHING STAFF MEMBERS, EXCLUDING TEACHERS AND ADMINISTRATORS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3222 unless the context clearly indicates otherwise:

"Annual performance report" means a written appraisal of the teaching staff member's performance prepared by the teaching staff member's designated supervisor based on the evaluation rubric for his or her position.

"Annual summative evaluation rating" means an annual evaluation rating that is based on appraisals of educator practice and student performance, if applicable, and includes all measures captured in a teaching staff member's evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

"Chief School Administrator" means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

"Commissioner" means Commissioner of the New Jersey Department of Education.

"Corrective Action Plan" means a written plan developed by the designated supervisor in collaboration with the teaching staff member to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual teaching staff member and the school district for implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

"Department" means the New Jersey Department of Education.

"Designated supervisor" means the supervisor designated by the Superintendent of Schools or designee as the teaching staff member's supervisor.

"District Evaluation Advisory Committee" means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

"Educator practice instrument" means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the teaching staff member's summative evaluation rating in a manner determined by the school district.

"Evaluation" means an appraisal of an individual's professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual's evaluation rubric.

"Evaluation rubric" means a set of criteria, measures, and processes used to evaluate all teaching staff members in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

"Indicators of student progress and growth" means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

"Individual professional development plan" is as defined in N.J.S.A. 18A:6-119.

"Job description" means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

"Observation" means a method of collecting data on the performance of a teaching staff member's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1.

"Post-observation conference" means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the teaching staff member for the purpose of evaluation to discuss the data collected in the observation.

"Scoring guide" means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

"Semester" means half of the school year.

"Signed" means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Student growth objective" means an academic goal that teaching staff members and designated supervisors set for groups of students.

"Superintendent" means Superintendent of Schools or Chief School Administrator.

"Supervisor" means an appropriately certified teaching staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-12.

"Teaching staff member" for the purposes of Policy 3222 and this Regulation, includes, but is not limited to, educational services staff members, guidance counselors, school nurses, library/media specialists, occupational therapists, and other teaching staff members working under an educational services certificate and does not include teachers, Principals, Vice Principals, Assistant Principals, and administrators, including, but not limited to, Directors and/or Supervisors.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Teaching Staff Members – N.J.A.C. 6A:10-2.1

1. The Board of Education annually shall adopt evaluation rubrics for all teaching staff members. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.

2. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of teaching staff members, unless otherwise specified:

a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;

b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):

(1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.

c. Ensure the Superintendent annually notifies all teaching staff members of the adopted evaluation policies and procedures no later than October 1. If a teaching staff member is hired after October 1, the Board/Superintendent shall notify the teaching staff member of the policies and procedures at the beginning of his or her employment. All teaching staff members shall be notified of amendments to the policy and procedures within ten working days of adoption;

d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;

e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and

g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a teaching staff member for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4, and N.J.A.C. 6A:10-6.2, shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.

2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all teaching staff members and, when applicable, applying the Commissioner-approved educator practice instruments:

a. Annually provide training on and descriptions of each component of the evaluation rubric for all teaching staff members who are being evaluated in the school district and provide more thorough training for any teaching staff member who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;

b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate teaching staff members for the first time. Training shall be provided on each component of the evaluated teaching staff member's evaluation rubric before the evaluation of a teaching staff member; and

c. The Superintendent shall annually certify to the Department that all supervisors of teaching staff members in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.

2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.

3. Beginning in 2018-2019, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District Evaluation Advisory Committee.

G. Evaluation Procedures for Teaching Staff Members – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3222 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of teaching staff members.

2. Evaluation policies and procedures requiring the annual evaluation of all teaching staff members shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

   a. Roles and responsibilities for implementation of evaluation policies and procedures;

   b. Job descriptions, evaluation rubrics for all teaching staff members, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;

   c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Assistant Principals, and Vice Principals for calculating the median and school-wide student growth percentile;

   d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;

   e. Process for developing and scoring student growth objectives;

   f. The process for preparation of individual professional development plans; and

   g. The process for preparation of an annual performance report by the teaching staff member's designated supervisor, and an annual summary conference between the teaching staff member and his or her designated supervisor.

3. The annual summary conference between the designated supervisor and the teaching staff member shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:

a. The performance of the teaching staff member based upon the job description and the scores or evidence compiled using the teaching staff member's evaluation rubric, including, when applicable:

(1) The teaching staff member's practice instrument; and

(2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.

b. The progress of the teaching staff member toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and

c. The preliminary annual performance report.

4. If any scores for the teaching staff member's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

5. The annual performance report shall be prepared by the teaching staff member's designated supervisor and shall include, but not be limited to:

a. A summative rating based on the evaluation rubric;

b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the teaching staff member's evaluation rubric; and

c. The teaching staff member's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.

6. The teaching staff member and the designated supervisor shall sign the report within five working days of the review.

7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the teaching staff member's personnel file or in an alternative, confidential location. If reports and data are stored in an alternative location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

H. Corrective Action Plans for Teaching Staff Members – N.J.A.C. 6A:10-2.5

1. For each teaching staff member rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the teaching staff member and the teaching staff member's designated supervisor. If the teaching staff member does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.

2. The corrective action plan shall be developed and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation, except:

   a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the teaching staff member and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five teaching staff member working days following the school district's receipt of the teaching staff member's summative rating.

3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:

   a. Address areas in need of improvement identified in the teaching staff member evaluation rubric;

   b. Include specific, demonstrable goals for improvement;

c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and

d. Include timelines for meeting the goal(s).

4. The teaching staff member's designated supervisor and the teaching staff member on a corrective action plan shall discuss the teaching staff member's progress toward the goals outlined in the corrective action plan during each required post-observation conference. The teaching staff member and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the teaching staff member's progress, position, or role.

5. Progress toward the teaching staff member's goals outlined in the corrective action plan:

   a. Shall be documented in the teaching staff member's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the teaching staff member on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the teaching staff member's progress toward his or her corrective action plan goals; and

   b. May be used as evidence in the teaching staff member's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

6. Responsibilities of the evaluated teaching staff member on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the teaching staff member's designated supervisor.

7. The corrective action plan shall remain in effect until the teaching staff member receives his or her next summative evaluation rating.

8. There shall be no minimum number of teaching staff member working days a teacher's corrective action plan can be in place.

I. Teaching Staff Member Observations and Evaluations – N.J.A.C. 6A:10-6.2

1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured teaching staff members, except teachers, Principals, Vice Principals, and Assistant Principals. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:

   a. Be at least twenty minutes in length;

   b. Be followed within fifteen teaching staff member working days by a conference between the supervisor who made the observation and the nontenured teaching staff member;

   c. Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and

   d. Allow the nontenured teaching staff member to submit his or her written objection(s) of the evaluation within ten teaching staff member working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

2. All tenured teaching staff members shall receive at least one observation per school year.

3. All nontenured teaching staff members shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.

   a. The required observations and evaluations for nontenured teaching staff members shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the three observations and evaluations must have been completed prior to April 30.

b. The number of required observations and evaluations for nontenured teaching staff members may be reduced proportionately when an individual teaching staff member's term of service is less than one academic year.

4. Evaluations for tenured teaching staff shall be completed prior to June 30.

Adopted: 27 August 2020

R 3223 EVALUATION OF ADMINISTRATORS, EXCLUDING PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3223 unless the context clearly indicates otherwise:

"Administrator" means an appropriately certified staff member, as defined in N.J.S.A. 18A-1.1, employed in the school district in an administrative and/or supervisory role and capacity, and holding a valid and effective standard, provisional, or emergency administrative certificate. An "administrator" may be a director, supervisor or any other administrative or supervisory position in the district. For the purposes of Policy and Regulation 3223 and N.J.A.C. 6A:10-1.1 et seq., "administrator" is not a Principal, Vice Principal, or Assistant Principal.

"Annual performance report" means a written appraisal of the administrator's performance prepared by the administrator's designated supervisor based on the evaluation rubric for his or her position.

"Annual summative evaluation rating" means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in an administrator's evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

"Chief School Administrator" means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

"Commissioner" means Commissioner of the New Jersey Department of Education.

"Corrective Action Plan" means a written plan developed by the administrator's designated supervisor in collaboration with the administrator to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual administrator and the school district for implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

"Department" means the New Jersey Department of Education.

"Designated supervisor" means the supervisor designated by the Superintendent of Schools or designee as the administrator's supervisor.

"District Evaluation Advisory Committee" means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

"Educator practice instrument" means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from educator practice instruments for teaching staff members other than teachers, Principals, Vice Principals, and Assistant Principals may be applied to the administrator's summative evaluation rating in a manner determined by the school district.

"Evaluation" means an appraisal of an individual's professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual's evaluation rubric.

"Evaluation rubric" means a set of criteria, measures, and processes used to evaluate all administrators in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of staff members.

"Indicators of student progress and growth" means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

"Individual professional development plan" is as defined in N.J.S.A. 18A:6-119.

"Job description" means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

"Observation" means a method of collecting data on the performance of an administrator's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by an individual employed in the school district in a supervisory role and capacity and possessing a school administrator, principal, or supervisor endorsement as defined in N.J.A.C. 6A:9-2.1 and as designated by the Superintendent.

"Post-observation conference" means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the administrator for the purpose of evaluation to discuss the data collected in the observation.

"Scoring guide" means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

"Semester" means half of the school year.

"Signed" means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Superintendent" means Superintendent of Schools or Chief School Administrator.

"Supervisor" means an appropriately certified staff member, as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the school district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement, as defined in N.J.A.C. 6A:9B-12.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Administrators – N.J.A.C. 6A:10-2.1

1. The Board of Education shall annually adopt evaluation rubrics for all administrators. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.

2. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of administrators, unless otherwise specified:

   a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;

   b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):

      (1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.

   c. Ensure the Superintendent annually notifies all administrators of the adopted evaluation policies and procedures no later than October 1. If an administrator is hired after October 1, the Board/Superintendent shall notify the administrator of the policies and procedures at the beginning of his or her employment. All administrators shall be notified of amendments to the policy and procedures within ten working days of adoption;

d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;

e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and

g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of an administrator for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and N.J.A.C. 6A:10-6.2 shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.

2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all administrators and, when applicable, applying the Commissioner-approved educator practice instruments:

a. Annually provide training on and descriptions of each component of the evaluation rubric for all administrators who are being evaluated in the school district and provide more thorough training for any administrator who is being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the educator practice instruments;

b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate administrators for the first time. Training shall be provided on each component of the evaluated administrator's evaluation rubric before the evaluation of an administrator;

c. The Superintendent shall annually certify to the Department that all supervisors of administrators in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.

2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.

3. Beginning in 2018-2019, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District Evaluation Advisory Committee.

G. Evaluation Procedures for Administrators – N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3223 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of administrators.

2. Evaluation policies and procedures requiring the annual evaluation of all administrators shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

a. Roles and responsibilities for implementation of evaluation policies and procedures;

b. Job descriptions, evaluation rubrics for administrators, the process for calculating the summative ratings and each component, and the evaluation regulations set forth in N.J.A.C. 6A:10 et seq.;

c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Vice Principals, and Assistant Principals for calculating the median and school-wide student growth percentile;

d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;

e. Process for developing and scoring student growth objectives;

f. The process for preparation of individual professional development plans; and

g. The process for preparation of an annual performance report by the Superintendent or designated supervisor and an annual summary conference between the administrator and his or her designated supervisor.

3. The annual summary conference between designated supervisors and the administrator shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:

a. The performance of the administrator based upon the job description and the scores or evidence compiled using the administrator's evaluation rubric, including, when applicable:

(1) The administrator's practice instrument; and

(2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.

b. The progress of the administrator toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and

c. The preliminary annual performance report.

4. If any scores for the administrator's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

5. The annual performance report for the administrator shall be prepared by the designated supervisor and shall include, but not be limited to:

   a. A summative rating based on the evaluation rubric;

   b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the administrator's evaluation rubric; and

   c. The administrator's individual professional development plan or corrective action plan from the evaluation year being reviewed in the report.

6. The administrator and the designated supervisor shall sign the report within five working days of the review.

7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of his or her personnel file, or in an alternative, confidential location. If reports and data are stored in an alternative, confidential location, the personnel file shall clearly indicate the report's location and how it can easily be accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

H. Corrective Action Plans for Administrators – N.J.A.C. 6A:10-2.5

1. For each administrator rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by administrator and the Superintendent or the designated supervisor. If the administrator does not agree with the corrective action plan's content, the designated supervisor shall make a final determination.

2. The corrective action plan shall be developed and the administrator and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation except:

    a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the administrator and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five administrator working days following the school district's receipt of the administrator's summative rating.

3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:

    a. Address areas in need of improvement identified in the administrator evaluation rubric;

    b. Include specific, demonstrable goals for improvement;

    c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and

    d. Include timelines for meeting the goal(s).

4. The administrator's designated supervisor and the administrator on a corrective action plan shall discuss the administrator's progress toward the goals outlined in the corrective action plan during each required post-observation conference. The administrator and his or her designated supervisor may update the goals outlined in the corrective action plan to reflect any change(s) in the administrator's progress, position, or role.

5. Progress toward the administrator's goals outlined in the corrective action plan:

    a. Shall be documented in the administrator's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the administrator on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the administrator's progress toward his or her corrective action plan goals; and

b. May be used as evidence in the administrator's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

6. Responsibilities of the evaluated administrator on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the administrator's designated supervisor.

7. The corrective action plan shall remain in effect until the administrator receives his or her next summative evaluation rating.

8. There shall be no minimum number of administrator working days an administrator's corrective action plan can be in place.

I. Administrator Observations and Evaluations – N.J.A.C. 6A:10-6.2

1. The Superintendent shall determine the duration of observations required pursuant to N.J.S.A. 18A:27-3.1 for nontenured administrators. Observations include, but are not limited to, observations of meetings, student instruction, parent conferences, and case-study analysis of a significant student issue. The observation shall:

a. Be at least twenty minutes in length;

b. Be followed within fifteen administrator working days by a conference between the supervisor who made the observation and the nontenured administrator;

c. Be followed by both parties to such a conference signing the written or electronic observation report and each retaining a copy of his or her records; and

d. Allow the nontenured administrator to submit his or her written objection(s) of the evaluation within ten administrator working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

2. All tenured administrators shall receive at least one observation per school year.

3. All nontenured administrators shall receive at least three observations, as required pursuant to N.J.S.A. 18A:27-3.1.

   a. The required observations and evaluations for nontenured administrators shall take place before April 30 each year. These observations and evaluations may cover that period between April 30 of one year and April 30 of the succeeding year except in the case of the first year of employment where the three evaluations and observations must have been completed prior to April 30.

   b. The number of required observations and evaluations for nontenured administrators may be reduced proportionately when an individual administrator's term of service is less than one academic year.

4. Evaluations for tenured administrators shall be completed prior to June 30.

Adopted: 27 August 2020

R 3224 EVALUATION OF PRINCIPALS, VICE PRINCIPALS, AND ASSISTANT PRINCIPALS

A. Definitions – N.J.A.C. 6A:10-1.2

The following words and terms shall have the following meanings when used in Policy and Regulation 3224 unless the context clearly indicates otherwise:

"Annual performance report" means a written appraisal of the Principal's, Vice Principal's, or Assistant Principal's performance prepared by the designated supervisor based on the evaluation rubric for his or her position.

"Annual summative evaluation rating" means an annual evaluation rating that is based on appraisals of educator practice and student performance, and includes all measures captured in a Principal, Vice Principal, or Assistant Principal evaluation rubric. The four summative performance categories are ineffective, partially effective, effective, and highly effective.

"Calibration" in the context of educator evaluation means a process to monitor the competency of a trained evaluator to ensure the evaluator continues to apply an educator practice instrument accurately and consistently according to the standards and definitions of the specific instrument.

"Chief School Administrator" means the Superintendent of Schools or the Administrative Principal if there is no Superintendent.

"Commissioner" means Commissioner of the New Jersey Department of Education.

"Corrective Action Plan" means a written plan developed by the Superintendent or a designated supervisor in collaboration with the Principal, Vice Principal, and Assistant Principal to address deficiencies as outlined in an evaluation. The corrective action plan shall include timelines for corrective action, responsibilities of the individual Principal, Vice Principal, and Assistant Principal and the school district for implementing the plan, and specific support that the district shall provide as defined in N.J.S.A. 18A:6-119.

"Department" means the New Jersey Department of Education.

"Designated supervisor" means the supervisor designated by the Superintendent of Schools or designee as the administrator's supervisor.

"District Evaluation Advisory Committee" means a group created to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2.3.

"Educator practice instrument" means an assessment tool that provides: scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies.

"Evaluation" means an appraisal of an individual's professional performance in relation to his or her job description and professional standards and based on, when applicable, the individual's evaluation rubric.

"Evaluation rubric" means a set of criteria, measures, and processes used to evaluate all Principals, Vice Principals, and Assistant Principals in a specific school district or local education agency. Evaluation rubrics consist of measures of professional practice, based on educator practice instruments and student outcomes. Each Board of Education will have an evaluation rubric specifically for teachers, another specifically for Principals, Vice Principals, and Assistant Principals, and evaluation rubrics for other categories of teaching staff members.

"Indicators of student progress and growth" means the results of assessment(s) of students as defined in N.J.A.C. 6A:8, Standards and Assessment.

"Individual professional development plan" is as defined in N.J.S.A. 18A:6-119.

"Job description" means a written specification of the function of a position, duties and responsibilities, the extent and limits of authority, and work relationships within and outside the school and school district.

"Observation" means a method of collecting data on the performance of a Principal's, Vice Principal's, and Assistant Principal's assigned duties and responsibilities. An observation for the purpose of evaluation will be included in the determination of the annual summative evaluation rating and shall be conducted by the Superintendent or designee.

"Post-observation conference" means a meeting, either in-person or remotely, between the supervisor who conducted the observation and the Principal, Vice Principal, and Assistant Principal for the purpose of evaluation to discuss the data collected in the observation.

"Principal practice instrument" means an assessment tool that provides scales or dimensions that capture competencies of professional performance; and differentiation of a range of professional performance as described by the scales, which must be shown in practice and/or research studies. The scores from the principal practice instrument are components of the evaluation rubrics and the scores are included in the summative evaluation rating for the individual.

"Scoring guide" means a set of rules or criteria used to evaluate a performance, product, or project. The purpose of a scoring guide is to provide a transparent and reliable evaluation process. Educator practice instruments include a scoring guide that an evaluator uses to structure his or her assessments and ratings of professional practice.

"Semester" means half of the school year.

"Signed" means the name of one physically written by oneself or an electronic code, sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Student growth objective" means an academic goal that teachers and designated supervisors set for groups of students.

"Student growth percentile" means a specific metric for measuring individual student progress on Statewide assessments by tracking how much a student's test scores have changed relative to other students Statewide with similar scores in previous years.

"Superintendent" means Superintendent of Schools or Chief School Administrator.

"Supervisor" means an appropriately certified teaching staff member as defined in N.J.S.A. 18A:1-1, or Superintendent employed in the district in a supervisory role and capacity, and possessing a school administrator, Principal, or supervisor endorsement as defined in N.J.A.C. 6A:9B-12 and certified to evaluate a Principal, Vice Principal, or Assistant Principal.

B. Applicability of Rules on Collective Bargaining Agreements – N.J.A.C. 6A:10-1.3

The rules in N.J.A.C. 6A:10-1.1 et seq. shall not override any conflicting provision(s) of collective bargaining agreements or other employment contracts entered into by a school district in effect on July 1, 2013. No collective bargaining agreement entered into after July 1, 2013, shall conflict with the educator evaluation system established pursuant to N.J.A.C. 6A:10-1.1 et seq. or any other specific statute or regulation, nor shall topics subject to bargaining involve matters of educational policy or managerial prerogatives.

C. Educator Evaluation Data, Information, and Annual Performance Reports – N.J.A.C. 6A:10-1.4

All information contained in annual performance reports and all information collected, compiled, and/or maintained by employees of the Board of Education for the purposes of conducting the educator evaluation process pursuant to N.J.A.C. 6A:10-1.1 et seq., including, but not limited to, digital records, shall be confidential. Such information shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Nothing contained in N.J.A.C. 6A:10-1.1 et seq. shall be construed to prohibit the Department or a school district from, at its discretion, collecting evaluation data pursuant to N.J.S.A. 18A:6-123.e or distributing aggregate statistics regarding evaluation data.

D. Evaluation of Principals, Vice Principals, and Assistant Principals – N.J.A.C. 6A:10-2.1

1. The Board of Education shall annually adopt evaluation rubrics for all Principals, Vice Principals, and Assistant Principals. The evaluation rubrics shall have four defined annual ratings: ineffective, partially effective, effective, and highly effective.

2. The evaluation rubrics for Principals, Vice Principals, and Assistant Principals shall include all other relevant minimum standards set forth in N.J.S.A. 18A:6-123 (P.L. 2012, c. 26, § 17c).

3. Evaluation rubrics shall be submitted to the Commissioner by June 1 for approval by August 1 of each year.

E. Duties of the Board of Education – N.J.A.C. 6A:10-2.2

1. The Board of Education shall meet the following requirements for the annual evaluation of Principals, Vice Principals, and Assistant Principals, unless otherwise specified:

a. Establish a District Evaluation Advisory Committee to oversee and guide the planning and implementation of the Board of Education's evaluation policies and procedures as set forth in N.J.A.C. 6A:10-2 et seq.;

b. Annually adopt policies and procedures developed by the Superintendent pursuant to N.J.A.C. 6A:10-2.4, including the evaluation rubrics approved by the Commissioner pursuant to N.J.A.C. 6A:10-2.1(c):

(1) The Superintendent shall develop policies and procedures that, at a minimum, ensure student performance data on the Statewide assessment is, upon receipt, promptly distributed or otherwise made available to staff members who were primarily responsible for instructing the applicable students in the school year in which the assessment was taken, as well as to staff members who are or will be primarily responsible for instructing the applicable students in the subsequent school year.

c. Ensure the Superintendent annually notifies all Principals, Vice Principals, and Assistant Principals of the adopted evaluation policies and procedures no later than October 1. If a Principal, Vice Principal, or Assistant Principal is hired after October 1, the Board/Superintendent shall notify all Principals, Vice Principals, and Assistant Principals of the policies and procedures at the beginning of his or her employment. All Principals, Vice Principals, and Assistant Principals shall be notified of amendments to the policy and procedures within ten working days of adoption;

d. Annually adopt by June 1, any Commissioner-approved educator practice instruments and, as part of the process described at N.J.A.C. 6A:10-2.1(c), notify the Department which instruments will be used as part of the school district's evaluation rubrics;

e. Ensure the Principal of each school within the school district has established a School Improvement Panel pursuant to N.J.A.C. 6A:10-3.1. The panel shall be established annually by August 31 and shall carry out the duties and functions described in N.J.A.C. 6A:10-3.2;

f. Ensure data elements are collected and stored in an accessible and usable format. Data elements shall include, but not be limited to, scores or evidence from observations for the purpose of evaluation and student growth objective data; and

g. Ensure the Superintendent or designee certifies to the Department that any observer who conducts an observation of a Principal, Vice Principal, or Assistant Principal for the purpose of evaluation as described in N.J.A.C. 6A:10-4.4; N.J.A.C. 6A:10-5.4; and 6A:10-6.2 shall meet the statutory observation requirements of N.J.S.A. 18A:6-119; 18A:6-123.b(8); and N.J.S.A. 18A:27-3.1 and the teacher member of the School Improvement Panel requirements of N.J.A.C. 6A:10-3.2.

2. The Board of Education shall ensure the following training procedures are followed when implementing the evaluation rubric for all Principals, Vice Principals, and Assistant Principals and, when applicable, applying the Commissioner-approved principal practice instruments:

a. Annually provide training on and descriptions of each component of the evaluation rubric for all Principals, Vice Principals, and Assistant Principals who are being evaluated in the school district and provide more thorough training for any Principals, Vice Principals, and Assistant Principals who are being evaluated for the first time. Training shall include detailed descriptions of all evaluation rubric components including, when applicable, detailed descriptions of student achievement measures and all aspects of the principal practice instrument;

b. Annually provide updates and refresher training for supervisors who are conducting evaluations in the school district and more thorough training for any supervisor who will evaluate Principals, Vice Principals, or Assistant Principals for the first time. Training shall be provided on each component of the evaluated Principal's, Vice Principal's, or Assistant Principal's evaluation rubric before the evaluation of the Principal, Vice Principal, or Assistant Principal;

c. The Superintendent shall annually certify to the Department that all supervisors of Principals, Vice Principals, and Assistant Principals in the school district who are utilizing evaluation rubrics have completed training on and demonstrated competency in applying the evaluation rubrics.

F. District Evaluation Advisory Committee – N.J.A.C. 6A:10-2.3

1. Members of the District Evaluation Advisory Committee shall include representation from the following groups: teachers from each school level represented in the school district; central office administrators overseeing the teacher evaluation process; supervisors involved in teacher evaluation, when available or appropriate; and administrators conducting evaluations, including a minimum of one administrator conducting evaluations who participates on a School Improvement Panel. Members also shall include the Superintendent, a special education administrator, a parent, and a member of the Board of Education.

2. The Superintendent may extend membership on the District Evaluation Advisory Committee to representatives of other groups and to individuals.

3. Beginning in 2018-2019, the District Evaluation Advisory Committees shall no longer be required and the Board of Education shall have the discretion to continue the District Evaluation Advisory Committee.

G. Evaluation Procedures for Principals, Vice Principals, and Assistant Principals - N.J.A.C. 6A:10-2.4

1. The provisions outlined in Policy and Regulation 3224 and N.J.A.C. 6A:10-2.4 shall be the minimum requirements for the evaluation of Principals, Vice Principals, and Assistant Principals.

2. Evaluation policies and procedures requiring the annual evaluation of Principals, Vice Principals, and Assistant Principals shall be developed under the direction of the Superintendent, who may consult with the District Evaluation Advisory Committee or representatives from School Improvement Panels, and shall include, but not be limited to, a description of:

a. Roles and responsibilities for implementation of evaluation policies and procedures;

b. Job descriptions, evaluation rubrics for Principals, Vice Principals, and Assistant Principals, the process for calculating the summative ratings and each component and the evaluation regulations set forth in N.J.A.C. 6A:10-1 et seq.;

c. Methods of data collection and reporting appropriate to each job description, including, but not limited to, the process for student attribution to teachers, Principals, Vice Principals, Assistant Principals for calculating the median and school-wide student growth percentile;

d. Processes for observations for the purpose of evaluation and post-observation conference(s) by a supervisor;

e. Process for developing and scoring student growth objectives;

f. The process for preparation of individual professional development plans; and

g. The process for preparation of an annual performance report by the Superintendent or designated supervisor, and an annual summary conference between the Principal, Vice Principal, or Assistant Principal and the Superintendent or designated supervisor.

3. The annual summary conference between the designated supervisor and the Principal, Vice Principal, or Assistant Principal shall be held before the annual performance report is filed. The conference shall occur on or before June 30 of each school year and shall include, but not be limited to, a review of the following:

a. The performance of the Principal, Vice Principal, or Assistant Principal based upon the job description and the scores or evidence compiled using the evaluation rubric, including, when applicable:

(1) The principal's practice instrument; and

(2) Available indicators or student achievement measures such as student growth objective scores and student growth percentile scores.

b. The progress of the Principal, Vice Principal, or Assistant Principal toward meeting the goals of the individual professional development plan or, when applicable, the corrective action plan; and

c. The preliminary annual performance report.

4. If any scores for the Principal's, Vice Principal's, or Assistant Principal's evaluation rubric are not available at the time of the annual summary conference due to pending assessment results, the annual summative evaluation rating shall be calculated once all component ratings are available.

5. The annual performance report for the Principal, Vice Principal, or Assistant Principal shall be prepared by the designated supervisor and shall include, but not be limited to:

   a. A summative rating based on the evaluation rubric, including, when applicable, a total score for each component as described in N.J.A.C. 6A:10-5;

   b. Performance area(s) of strength and area(s) needing improvement based upon the job description and components of the Principal's, Vice Principal's, or Assistant Principal's evaluation rubric; and

   c. The Principal's, Vice Principal's, or Assistant Principal's individual professional development plan or a corrective action plan from the evaluation year being reviewed in the report.

6. The Principal, Vice Principal, or Assistant Principal and the designated supervisor shall sign the report within five working days of the review.

7. The Board of Education shall include all performance reports and supporting data, including, but not limited to, written observation reports and additional components of the summative evaluation rating as part of the Principal's, Vice Principal's, or Assistant Principal's personnel file, or in an alternative, confidential location. If reports and data are stored in an alternate location, the personnel file shall clearly indicate the report's location and how it can be easily accessed. The records shall be confidential and shall not be subject to public inspection or copying pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

H. Corrective Action Plans for Principals, Vice Principals, and Assistant Principals – N.J.A.C. 6A:10-2.5

1. For each Principal, Vice Principal, and Assistant Principal rated ineffective or partially effective on the annual summative evaluation, as measured by the evaluation rubrics, a corrective action plan shall be developed by the Principal, Vice Principal, or Assistant Principal and the designated supervisor. If the Principal, Vice Principal, or Assistant Principal does not agree with the corrective action plan's content, the designated supervisor shall make the final determination.

2. The corrective action plan shall be developed and the Principal, Vice Principal, or Assistant Principal and his or her designated supervisor shall meet to discuss the corrective action plan by October 31 of the school year following the year of evaluation except:

   a. If the ineffective or partially effective summative evaluation rating is received after October 1 of the school year following the year of evaluation, a corrective action plan shall be developed, and the Principal, Vice Principal, or Assistant Principal and his or her designated supervisor shall meet to discuss the corrective action plan within twenty-five Principal, Vice Principal, or Assistant Principal working days following the school district's receipt of the Principal's, Vice Principal's, or Assistant Principal's summative rating.

3. The content of the corrective action plan shall replace the content of the individual professional development plan required pursuant to N.J.A.C. 6A:9C-4.3(a) and 4.4(a) and shall:

   a. Address areas in need of improvement identified in the principal evaluation rubric;

   b. Include specific, demonstrable goals for improvement;

   c. Include responsibilities of the evaluated employee and the school district for the plan's implementation; and

   d. Include timelines for meeting the goal(s).

4. The designated supervisor and the Principal, Vice Principal, or Assistant Principal on a corrective action plan shall discuss the Principal's, Vice Principal's, or Assistant Principal's progress toward the goals outlined in the corrective action plan during each post-observation conference, when required by N.J.S.A. 18A:27-3.1 or N.J.A.C. 6A:10-5.4.

5. Progress toward the Principal's, Vice Principal's, or Assistant Principal's goals outlined in the corrective action plan:

a. Shall be documented in the Principal's, Vice Principal's, or Assistant Principal's personnel file and reviewed at the annual summary conference and the mid-year evaluation. Both the Principal, Vice Principal, or Assistant Principal on a corrective action plan and his or her designated supervisor may collect data and evidence to demonstrate the Principal's, Vice Principal's, or Assistant Principal's progress toward his or her corrective action plan goals; and

b. May be used as evidence in the Principal's, Vice Principal's, or Assistant Principal's next annual summative evaluation; however, such progress shall not guarantee an effective rating on the next summative evaluation.

6. Responsibilities of the evaluated Principal, Vice Principal, or Assistant Principal on a corrective action plan shall not be exclusionary of other plans for improvement determined to be necessary by the designated supervisor.

7. The Superintendent or his or her designee, and the Principal, as appropriate, shall conduct a mid-year evaluation of any Principal, Vice Principal, or Assistant Principal pursuant to N.J.S.A. 18A:6-121.c. The mid-year evaluation shall occur approximately midway between the development of the corrective action plan and the expected receipt of the next annual summative rating. The mid-year evaluation shall include, at a minimum a conference to discuss progress toward the Principal's, Vice Principal's, or Assistant Principal's goals outlined in the corrective action plan. The mid-year evaluation conference may be combined with a post-observation conference.

8. The Superintendent shall ensure Principals, Vice Principals, and Assistant Principals with a corrective action plan receive one observation and a post-observation conference in addition to the observations required in N.J.A.C. 6A:10-5.4 for the purpose of evaluation as described in N.J.A.C. 6A:10-1.2 and 5.4.

9. The corrective action plan shall remain in effect until the Principal, Vice Principal, or Assistant Principal receives his or her next summative evaluation rating.

10. There shall be no minimum number of Principal, Vice Principal, or Assistant Principal working days a Principal's, Vice Principal's, or Assistant Principal's corrective action plan can be in place.

I. Components of Principal Evaluation Rubrics – N.J.A.C. 6A:10-5.1

1. Unless otherwise noted, the components of the principal evaluation rubrics shall apply to teaching staff members holding the position of Principal, Vice Principal, or Assistant Principal and holding a valid and effective standard, provisional, or emergency administrative certificate.

2. The principal evaluation rubric shall meet the standards provided in N.J.S.A. 18A:6-123, including, but not limited to:

   a. Measures of student achievement pursuant to N.J.A.C. 6A:10-5.2; and

   b. Measures of principal practice pursuant to N.J.A.C. 6A:10-5.3 and 5.4.

3. To earn a summative rating, the Principal, Vice Principal, or Assistant Principal shall have a student achievement score, pursuant to N.J.A.C. 6A:10-5.2 and a principal practice score pursuant to N.J.A.C. 6A:10-5.3 and 5.4.

4. Each score shall be converted to a percentage weight so all measures make up 100 percent of the evaluation rubric. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on its website the required percentage weight of each component and the required summative rating scale. All components shall be worth the following percentage weights or fall within the following ranges:

   a. If, according to N.J.A.C. 6A:10-5.2(b), the Principal, Vice Principal, or Assistant Principal receives a school-wide student growth percentile score as described in N.J.A.C. 6A:10-5.2(c), the score shall be at least ten percent and no greater than forty percent of evaluation rubric rating as determined by the Department.

   b. Measure of average student growth objective for all teachers, as described in N.J.A.C. 6A:10-5.2(d), shall be at least ten percent and no greater than twenty percent of evaluation rubric rating as determined by the Department.

   c. Measure of administrator goal, as described in N.J.A.C. 6A:10-5.2(e), shall be no less than ten percent and no greater than forty percent of evaluation rubric rating as determined by the Department.

   d. Measure of principal practice, as described in N.J.A.C. 6A:10-5.3(b), shall be no less than fifty percent of evaluation rubric rating.

5. Standardized assessments, used as a measure of student progress, shall not be the predominant factor in determining a Principal's annual summative rating.

6. The Department shall periodically collect principal evaluation rubric data that shall include, but are not limited to, component-level scores and annual summative ratings.

J. Student Achievement Components of Principal Evaluation Rubrics – N.J.A.C. 6A:10-5.2

1. Measures of student achievement shall be used to determine impact on student learning and shall include the following components:

   a. The school-wide student growth percentile of all students assigned to the Principal;

   b. Average student growth objective scores of every teacher, as described in N.J.A.C. 6A:10-4.2(e), assigned to the Principal; and

   c. Administrator goals set by Principals, Vice Principals, or Assistant Principals in consultation with their supervisor pursuant to N.J.A.C. 6A:10-5.2(e), which shall be specific and measurable, based on student growth and/or achievement data.

2. The school-wide student growth percentile score shall be included in the annual summative rating of Principals, Vice Principals, and Assistant Principals who are assigned to a school as of October 15 and who are employed in schools where student growth percentiles are available for students in one or more grades. If the Principal, Vice Principal, or Assistant Principal is employed in more than one school, the Superintendent shall assign to the Principal, Vice Principal, or Assistant Principal, as appropriate, the school-wide student growth percentile from one school and shall notify the Principal, Vice Principal, or Assistant Principal at the beginning of the school year of the student growth percentile assignment.

3. The Department shall calculate the school-wide student growth percentile for Principals, Vice Principals, and Assistant Principals.

4. The average student growth objective scores of all teachers, as described in N.J.A.C. 6A:10-4.2(e), shall be a component of the Principal's annual summative rating. The average student growth objective scores for Vice Principals or Assistant Principals shall be determined according to the following procedures:

a. The Principal, in consultation with the Vice Principal or Assistant Principal, shall determine prior to the start of the school year, which teachers, if not all teachers in the school, shall be linked to the Vice Principal's and Assistant Principal's average student growth objective score.

b. If the Vice Principal or Assistant Principal does not agree with the list of teachers linked to his or her name for the purposes of this measurement, the Principal shall make the final determination.

5. Administrator goals for Principals, Vice Principals, or Assistant Principals shall be developed and measured according to the following procedures:

a. The designated supervisor shall determine for all Principals, Vice Principals, or Assistant Principals, the number of required administrator goals which shall reflect the achievement of a significant number of students within the school. By August 31 prior to the school year in which the evaluation rubric applies, the Department shall provide on the Department's website the minimum and maximum number of required goals, which will be at least one goal and no more than four goals.

b. Principals, Vice Principals, or Assistant Principals shall develop, in consultation with their designated supervisor, each administrator goal. Each Vice Principal and Assistant Principal shall set goals specific to his or her job description or adopt the same goals as his or her Principal. If the Principal, Vice Principal, or Assistant Principal and his or her designated supervisor do not agree upon the administrator goal the Principal's, Vice Principal's, or Assistant Principal's designated supervisor shall make the final determination.

c. Administrator goals and the criteria for assessing performance based on those objectives shall be determined, recorded, and retained by the Principal, Vice Principal, or Assistant Principal and his or her designated supervisor by October 31 of each school year, or within twenty-five working days of the Principal's, Vice Principal's, or Assistant Principal's start date if he or she begins work after October 1.

d. The administrator goal score shall be approved by the designated supervisor of the Principal, Vice Principal, or Assistant Principal. The Principal's, Vice Principal's, or Assistant Principal's administrator goal score, if available, shall be discussed at his or her annual summary conference and recorded in his or her personnel file.

K. Principal Practice Component of Evaluation Rubric – N.J.A.C. 6A:10-5.3

1. Measures of principal practice shall include a measure determined through a Commissioner-approved principal practice instrument and may include a leadership measure determined through the Department-created leadership rubric.

2. Principal practice component rating shall be based on the measurement of the Principal's, Vice Principal's, or Assistant Principal's performance according to the school district's Commissioner-approved principal practice instrument. Observations pursuant to N.J.A.C. 6A:10-5.4 shall be used as one form of evidence for this measurement.

3. Leadership practice shall be determined by a score on a leadership rubric, which will assess the Principal's, Vice Principal's, or Assistant Principal's ability to improve student achievement and teaching staff member effectiveness through identified leader behaviors. The rubric will be posted on the Department's website and annually maintained.

L. Principal, Vice Principal, and Assistant Principal Observations – N.J.A.C. 6A:10-5.4

1. The Superintendent or his or her designee, shall conduct observations for the evaluation of Principals pursuant to N.J.S.A. 18A:6-121 and he or she shall be trained pursuant to N.J.A.C. 6A:10-2.2(b).

2. A Principal, or the Superintendent or his or her designee, shall conduct observations for the evaluation of Vice Principals and Assistant Principals pursuant to N.J.S.A. 18A:6-121.

3. For the purpose of collecting data for the evaluation of a Principal, Vice Principal, or Assistant Principal, an observation, as described in N.J.S.A. 18A:6-119 and N.J.A.C. 6A:10-1.2, may include, but is not limited to: building walk-through, staff meeting observation, parent conference observation, or case study analysis of a significant student issue.

4. Post-observation conferences shall include the following procedures:

   a. A supervisor who is present at the observation shall conduct a post-observation conference with the Principal, Vice Principal, or Assistant Principal being observed. A post-observation conference shall occur no more than fifteen Principal, Vice Principal, or Assistant Principal working days following each observation.

b. The post-observation conference shall be for the purpose of reviewing the data collected at the observation, connecting the data to the principal practice instrument and the Principal's, Vice Principal's, or Assistant Principal's individual professional development plan, collecting additional information needed for the evaluation, and offering areas to improve effectiveness.

c. With the consent of the observed Principal, Vice Principal, or Assistant Principal, post-observation conferences for individuals who are not on a corrective action plan may be conducted via written communication, including electronic communication.

d. One post-observation conference may be combined with the Principal's, Vice Principal's, or Assistant Principal's annual summary conference as long as it occurs within the required fifteen Principal, Vice Principal, or Assistant Principal working days following the observation.

e. A written or electronic observation report shall be signed by the supervisor who conducted the observation and post-observation and the Principal, Vice Principal, or Assistant Principal who was observed.

f. The Principal, Vice Principal, or Assistant Principal shall submit his or her written objection(s) of the evaluation within ten working days following the conference. The objection(s) shall be attached to each party's copy of the annual performance report.

5. Each tenured Principal, Vice Principal, and Assistant Principal shall be observed as described in N.J.A.C. 6A:10-5.4, at least two times during each school year. Each nontenured Principal, Vice Principal, and Assistant Principal shall be observed as described in N.J.A.C. 6A:10-5.4 at least three times during each school year, as required by N.J.S.A. 18A:27-3.1. An additional observation shall be conducted pursuant to N.J.A.C. 6A:10-2.5(h) for Principals, Vice Principals, and Assistant Principals who are on a corrective action plan.

M. Principal Practice Instrument – N.J.A.C. 6A:10-7.3

1. The principal practice instrument approved by the Department shall meet the following criteria:

a. Incorporate domains of practice and/or performance criteria that align to the 2008 ISLLC Professional Standards for School Leaders developed by the Interstate School Leadership Licensure Consortium incorporated herein by reference, available at:

http://www.ccsso.org/documents/2008/educational_leadership_policy_standards_2008.pdf;

b. Include scoring guides for assessing principal practice that differentiate among a minimum of four levels of performance, and the differentiation has been shown in practice and/or research studies. Each scoring guide shall clearly define the expectations for each category and provide a conversion to four rating categories;

c. Rely on, to the extent possible, multiple sources of evidence collected throughout the school year, including, but not limited to, evaluation of a Principal's leadership related to:

(1) Implementing high-quality and standards-aligned curriculum, assessments, and instruction; and

(2) Evaluating the effectiveness of teaching staff members and supporting their professional growth.

d. Include descriptions of specific training and implementation details required for the instrument to be effective.

Adopted: 27 August 2020

R 3230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment when such employment does not:

   a. Constitute a conflict of interest;

   b. Violate the provisions of the New Jersey School Ethics Act; or

   c. Occur at a time when the employee has assigned district duties and responsibilities.

2. A full-time employee who engages in employment outside the school district shall report that employment to the Superintendent only if the outside employment may require any type of accommodation by the school district or if the outside employment would require the staff member to not perform or limit the staff member's ability to perform all the responsibilities of their school district employment.

B. Private Enterprise, Business, or Business Organization

1. An employee shall not conduct activities on school district grounds that may advance a private enterprise, business, or business organization without the express permission of the Superintendent. Permission will not be given for solicitations or collections on behalf of a private enterprise, business, or business organization.

2. An employee shall not, on school grounds, solicit students for trips other than those expressly approved by the Board or Superintendent without permission of the Superintendent. School grounds shall not be used as the point of departure or arrival for any such privately arranged trip.

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R 3232 TUTORING SERVICES

A. Additional Help in Academic Programs

1. Teachers will make every reasonable effort to assist students assigned to them who need additional help in their academic programs.

2. Additional help may be given during the course of the staff member's work day or before or after school hours.

3. This additional help is an extension of the staff member's assigned school district responsibilities and no staff member may charge a fee for providing this additional help to students.

B. Private Tutoring Services

1. A staff member who believes a student may benefit from private tutoring services in addition to any additional help provided to a student as part of the staff member's assigned responsibilities will inform the Principal or designee.

2. If the Principal or designee concurs with the staff member's recommendation, he/she or the staff member will notify the student's parent. The Principal or designee will not recommend a private tutor or maintain a list of private tutors. The retention of a private tutor shall be the sole responsibility of the parent.

3. The responsibility of contracting a private tutor is the responsibility of the parent. The Principal or designee will discuss the student's performance and needs with the student's parent.

4. The school staff member shall cooperate with the student in providing information and materials used in class and in specifying the areas where the student needs tutoring.

5. Private tutoring shall not take place on school grounds and any fees or compensation arrangements shall be made between the private tutor and the parent. The Board of Education assumes no responsibility, liability, or obligations for the selection of a private tutor that is contracted by the parent or the quality of the tutoring services provided.

6. A school staff member may be contracted by a parent to provide tutoring services to a student. School staff members are prohibited from providing private tutoring services to students currently enrolled in their classes or to a student who the staff member participates as a member of the student's evaluation team.

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R 3233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;

2. The distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;

3. Collection of and solicitation for campaign funds;

4. Solicitation for campaign workers;

5. Use of students for writing or addressing political materials or the distribution of such materials to or by students;

6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used as a polling place; and

7. Any activity in the presence of students while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

B. Permitted Activities

The following political activities are permitted on school premises.

1. Conduct of student and employee elections and any campaigning connected with those elections.

2. Classroom discussion and study of politics and political issues, when such discussion and study are appropriate to studies such as history, current events, or political science.

3. Distribution of political materials when approved by the Principal and when relevant to the class, curriculum, and maturity of the students. Any such material shall be presented by the teacher without bias or discrimination.

C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or student.

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R 3240 PROFESSIONAL DEVELOPMENT FOR TEACHERS AND SCHOOL LEADERS

A. Definitions (N.J.A.C. 6A:9C-2.1)

1. The definitions set forth in N.J.A.C. 6A:9-2.1 shall apply to the words and terms used in N.J.A.C. 6A:9C-3 et seq. and 6A:9C-4 et seq. and Policy and Regulation 3240.

B. Components of Professional Development – (N.J.A.C. 6A:9C-3.2)

1. Professional development shall align with the Professional Standards for Teachers and the Professional Standards for School Leaders in N.J.A.C. 6A:9-3, the standards for professional learning in N.J.A.C. 6A:9C-3.3, student learning and educator development needs, and school, school district, and/or State improvement goals.

2. Professional development shall encompass a broad range of professional learning that contributes to improved practice, including, but not limited to, participation in the work of established collaborative teams of teachers, school leaders, and other administrative, instructional, and educational services staff members who commit to working together to accomplish common goals and who are engaged in a continuous cycle of professional improvement focused on:

   a. Evaluating student learning needs through ongoing reviews of data on student performance; and

   b. Defining a clear set of educator learning goals based on the rigorous analysis of data on student performance.

3. Professional learning shall incorporate coherent, sustained, and evidenced-based strategies that improve educator effectiveness and student achievement, such as job-embedded coaching or other forms of assistance to support educators' transfer of new knowledge and skills to their work.

4. Professional learning may be supported by external expert assistance or additional activities that:

   a. Address defined student and educator learning goals;

   b. Advance primarily ongoing school-based professional learning; and

c. Include, but are not limited to, courses, workshops, institutes, networks, and conferences provided by for-profit and nonprofit entities outside the school such as universities, educational service agencies, technical assistance providers, networks of content specialists, and other education organizations and associations.

C. Standards for Professional Learning (N.J.A.C. 6A:9C-3.3)

1. Professional learning that increases educator effectiveness and improves results for all students shall be guided by the following standards:

a. Learning communities: Occurs within learning communities committed to continuous improvement, collective responsibility, and goal alignment;

b. Leadership: Requires skillful leaders who develop capacity, advocate, and create support systems for professional learning;

c. Resources: Requires prioritizing, monitoring, and coordinating resources for educator learning;

d. Data: Uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;

e. Learning designs: Integrates theories, research, and models of human learning to achieve its intended outcomes;

f. Implementation: Applies research on change and sustains support for implementation of professional learning for long-term change; and

g. Outcomes: Aligns its outcomes with educator performance and student curriculum standards.

D. Requirements for and Implementation of Teachers' Individual Professional Development Plans (N.J.A.C. 6A:9C-4.4)

1. Each teacher shall be guided by an individualized Professional Development Plan (PDP), pursuant to N.J.S.A. 18A:6-128.a, which shall include at least twenty hours per year of qualifying experiences. The twenty-hour annual requirement shall be based on the length of full-time employment and reduced by a pro rata share reflecting part-time employment, or an absence, including the use of family or medical leave.

2. The content of each individual PDP shall be developed by each teacher's supervisor in consultation with the teacher and shall align with the Professional Standards for Teachers in N.J.A.C. 6A:9-3 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3.

3. Each teacher's individual PDP shall be updated annually no later than October 31, except:

   a. If the teacher is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.

4. The individual PDP shall be modified during the year, as necessary, and shall specify at least:

   a. One area for development of professional practice derived from the results of observations and evidence accumulated through the teacher's annual performance evaluation; and

   b. One area for development of professional practice derived from individual, collaborative team, school, or school district improvement goals.

5. Progress on the individual PDP shall be discussed at the annual summary conference, pursuant to N.J.A.C. 6A:10-2.4, but may occur more frequently throughout the year.

6. Evidence of progress toward meeting the requirements of the teacher's individual PDP may be provided by the teacher and/or his or her designated supervisor, and shall be reviewed as part of each annual summary conference.

7. A teacher's individual PDP goals may necessitate more than the recommended minimum requirements outlined in N.J.A.C. 6A:9C-4.

8. Additional hours of qualifying experiences may be required for teachers in low-performing schools, as determined by the Commissioner of Education.

9. The teacher's designated supervisor shall:

a. Use the teacher performance evaluation process and the professional development planning process to monitor each teacher's progress in meeting the professional development requirements and shall take appropriate steps to assure such progress. If a teacher's progress is found to be inadequate, the teacher's designated supervisor shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and

b. Maintain accurate records of each teacher's progress in meeting the individual professional development requirements, pursuant to N.J.AC. 6A:9C-4.3 and N.J.A.C. 6A:9C-4.4. Such records shall include a copy of each teacher's current PDP and timeline, as well as any documentation and evidence showing the teacher's progress toward meeting the plan's requirements.

10. If a teacher leaves the employ of one New Jersey school district and is hired by another, the previous employing school district shall share with the new employing school district the teacher's individual PDP and all supporting documentation. If the current individual PDP is found to be unsuitable to the teacher's new assignment, the new employing school district shall ensure a revised individual PDP and timeline is created in accordance with N.J.A.C. 6A:9C-4.4.

E. School-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)

1. The Principal shall oversee the development and implementation of a plan for school-level professional development and shall ensure:

a. The school-level professional development plan includes a description of school-level and team-based professional learning aligned with identified school goals, and includes teacher and student learning needs; and

b. All teachers receive the necessary opportunities, support, and resources to complete individual professional development requirements pursuant to N.J.A.C. 6A:9C-4.4(a).

2. The school-level plan shall become part of the school district plan for professional development overseen and reviewed by the Superintendent of Schools.

F. Requirements for District-Level Plans for Professional Development Implementation (N.J.A.C. 6A:9C-4.2)

1. The school district plan shall provide information on school-level and district-wide professional development learning opportunities, the resources being allocated toward their support, a justification for the expenditures, and include any professional development required by statute or regulation.

2. The Superintendent of Schools or designee shall oversee the development and implementation of the school district plan to address the school district's professional development needs and shall review on an annual basis the school district plan to assess its effectiveness and revise it, as necessary, to meet the school district's learning goals for students, teachers, and school leaders.

3. When overseeing and reviewing the school district plan, the Superintendent or designee shall:

   a. Review school-level professional development plans;

   b. Assess the learning needs of students, teachers, and school leaders based on educator evaluation data, school-level plans, and data from school- and district-level performances;

   c. Plan, support, and implement professional learning activities that address the New Jersey Student Learning Standards, and that align with the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3 and the Professional Standards for Teachers and School Leaders in N.J.A.C. 6A:9-3;

   d. Develop and update, as necessary, the district mentoring plan for non-tenured teachers including novice professional teachers who hold a CE or CEAS, in accordance with N.J.A.C. 6A:9C-5.3;

   e. Present the plan to the Board of Education to review for fiscal impact; and

   f. Certify annually to the Department of Education, through a statement of assurance, that the school district is meeting the requirements for the school district plan as set forth in N.J.A.C. 6A:9C-4.2 and that it includes requirements of the district mentoring plan pursuant to N.J.A.C. 6A:9C-5.3.

4. School districts sending to the same middle and/or high school may form a regional consortium to develop one district-wide plan based on the sending schools' plans.

G. Requirements for and Implementation of School Leaders' Professional Development Plans (N.J.A.C. 6A:9C-4.3)

1. Each school leader shall create, implement, and complete an individual PDP that:

   a. Aligns with the Professional Standards for School Leaders set forth in N.J.A.C. 6A:9-3.4 and the Standards for Professional Learning in N.J.A.C. 6A:9C-3.3;

   b. Derives from the results of observations, evidence, and recommendations included in the annual performance evaluation of the school leader;

   c. Identifies professional learning goals that address specific individual, school, or school district goals;

   d. Grounds professional learning in objectives related to improving teaching, learning, and student achievement, and aligns to the school and/or school district plan for professional development; and

   e. Includes training on: school law, ethics, and governance pursuant to N.J.S.A. 18A:26-8.2 and other statutory requirements related to student safety, bullying and harassment, and well-being.

2. Each school leader's individual PDP shall be developed by October 31 except:

   a. If the school leader is hired after October 1, the PDP shall be developed within twenty-five working days of his or her hire.

3. The Superintendent of Schools shall develop an individual PDP for review by the Board of Education. In developing the individual PDP, the following process shall be followed:

   a. The Board shall review the Superintendent's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure the individual PDP aligns to school district goals and to the school district's plan for professional development.

   b. The Superintendent shall submit annually to the Board evidence of progress toward completion of the individual PDP. The Superintendent also shall submit every three to five years, depending on the length of his or her contract with the Board, summative evidence of plan completion.

c. The Superintendent may appeal to the Executive County Superintendent if he or she disagrees with the Board regarding PDP contents or progress toward completion. The Executive County Superintendent shall have final decision-making authority on all such matters.

4. Each leader whose position requires a Principal or supervisor endorsement, or whose position requires a Chief School Administrator endorsement but who does not serve as a Chief School Administrator or Superintendent of a school district, shall develop in collaboration with his or her designated supervisor an individual PDP and shall provide evidence to his or her designated supervisor of progress toward fulfillment of his or her plan. Each Superintendent or designee shall:

   a. Review each Principal's, supervisor's, or other school leader's individual PDP, including the individual training needs pursuant to N.J.A.C. 6A:9C-4.3(a)5, and shall ensure it aligns to school and school district goals and the school district's plan for professional development;

   b. Meet with the Principal, supervisor, or other school leader at mid-year to assess progress toward his or her PDP's completion or modification; and

   c. Review the individual PDP's status as part of the Principal's, supervisor's, or other school leader's annual performance evaluation.

5. The school leader's designated supervisor, or the Board of Education in the case of the Superintendent, shall:

   a. Use the performance evaluation process and professional development planning process to monitor the school leader's progress in meeting the professional development requirements. If a school leader's progress is found to be inadequate, the school leader's designated supervisor or the Board shall take appropriate remedial action by applying sound and accepted principles of progressive supervision and other appropriate means; and

   b. Maintain accurate records of each school leader's progress in meeting the individual professional development requirements, pursuant to N.J.A.C. 6A:9C-4.3. Such records shall include a copy of each school leader's current PDP and timeline, as well as any documentation and evidence showing the school leader's progress toward meeting the plan's requirements.

6. If a school leader leaves the employ of one New Jersey school district and is hired by another, the school leader's designated supervisor, or the Board of Education in the case of the Superintendent, shall ensure a revised individual PDP appropriate to the new assignment is developed in collaboration with the school leader.

H. Assistance (N.J.A.C. 6A:9C-4.1)

1. The Board of Education shall ensure all teachers and school leaders receive the necessary opportunities, support, and resources to engage in ongoing professional learning and to complete the requirements of their respective professional development plans.

R 3280 LIABILITY FOR STUDENT WELFARE

A. A teaching staff member must maintain a standard of care for supervision, control, and protection of students commensurate with the member's assigned duties and responsibilities.

1. A class or activity must never be left unattended while students are in the room, except that a teacher may stand immediately outside the door of the room as students are entering.

2. A class or activity must never be left with an unqualified person in charge of students.

3. Younger students should be accompanied to assigned places of instruction and monitored until supervision is assumed by another qualified, responsible person.

4. Students shall not be allowed to inflict bodily harm on one another. Teaching staff members are responsible for preventing and stopping student fights and assaults, whatever the cause or intent; if necessary, responsible assistance must be quickly summoned. Teaching staff members may restrain a student only with the reasonable amount of force necessary to:

   a. Quell a disturbance,

   b. Obtain possession of weapons or dangerous objects,

   c. Offer self defense, or

   d. Protect persons or property.

B. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities.

C. A teaching staff member must provide proper instruction in safety wherever course guides so provide.

D. A teaching staff member must report immediately to the Building Principal any accident or safety hazard the member detects.

E. A teaching staff member must not send students on personal errands.

F. A teaching staff member must never transport students in a personal vehicle without the approval of the Building Principal. Any transportation of students by private vehicle is subject to Policy No. 8660.

G. A teaching staff member must not require a student to perform tasks that may be detrimental to the student's health or well-being.

1. Students may be permitted to use only items of equipment that have been provided by the Board.

2. Equipment shall not be used for purposes other than the instructional purposes for which the equipment was provided; equipment may never be operated in a hazardous manner.

3. Power tools and other inherently hazardous equipment may be used only by students to whom the tools or equipment have been assigned for instructional purposes and who have received instruction for their safe use.

4. Students will be permitted to work in a shop, kitchen, or laboratory only during the period scheduled for instruction and only in accordance with safety rules.

5. Classroom materials and equipment should be organized so as to minimize the danger of injury to students.

6. Teachers must exercise good judgment when assigning tasks to students to prevent bodily harm and damage to property.

7. Safety equipment provided for use in potentially hazardous situations must be properly and promptly utilized when necessary.

H. A teaching staff member must render prompt reports when so required by law and Board policy.

1. Instances of substance abuse will be reported in accordance with Policy No. 5530.

2. Instances of violence and/or vandalism will be reported in accordance with Policy No. 8461.

3. Accidents will be reported in accordance with Board Policy No. 8442.

4. Instances of suspected child abuse will be reported in accordance with Policy Nos. 8461 and 8462.

5. Missing children will be reported in accordance with Policy No. 8464.

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R 3281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 3281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to students.

A. Definitions

1. "Building Principal" is the Principal of the building where the staff member is assigned.

2. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.

3. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

4. The "immediate supervisor" for teaching staff members may be a Building Principal, a member of the school district's non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.

5. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a student's clothing or physical appearance, comments with sexual overtones, comments regarding a student's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.

6. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a student for a social relationship outside the school staff/student relationship, sexually harassing conduct, inappropriate touching by the staff member to a student or permitting a student to inappropriately touch a staff member, corporal punishment, requesting a student to expose private parts of their body, other than for school medical purposes, and

a staff member exposing their own private parts of their body to a student. Inappropriate conduct also includes physical contact between a staff member and student that is beyond the staff member/student professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/student professional relationship. "Inappropriate conduct" does not include a hug initiated by a student as a sign of the student's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.

8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.

9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

10. "Professional responsibility or responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.

11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.

12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.

13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school district's staff, including any agents and/or representatives of the school district.

14. "Unannounced or uninvited visit" is a student visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a student is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.

2. Any staff member who believes, or has reason to believe, a student is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a student beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.

3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.

4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.

5. Any student, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Principal.

6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.

7. School staff having reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Building Principal or immediate supervisor after making such report.

C. Investigation of Reports

1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Superintendent.

2. The Superintendent or designee will begin a prompt and thorough investigation of every report.

3. The Superintendent or designee will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families if there is reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-11.1, and/or any other measure provided for in the law.

D. Preliminary Investigation of Reports by Others

1. The Superintendent or designee will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the Superintendent received the report.

2. The Superintendent or designee's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any students who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and student(s) reported to have engaged in conduct prohibited by this Policy and Regulation.

3. The Superintendent or designee will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any student involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.

4. If, based on a preliminary investigation, the Superintendent or designee determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. A separate file for all such reports and the report will not be included in the staff member's personnel file.

5. If, based on a preliminary investigation, the Superintendent deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the student indicated in the report upon request.

E. Full Investigation

1. The Superintendent, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or local law enforcement.

2. The Superintendent will conduct the full investigation if the New Jersey Department of Children and Families and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-11.1 for reporting to the New Jersey Department of Children and Families and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.

3. The full investigation will include, but not be limited to, interviews with the staff member(s), students, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.

4. The Superintendent will accept testimony and evidence from the staff member(s), student(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony, and evidence to the Superintendent relative to a report will be informed the information, testimony, and evidence may be used in additional investigations and/or hearings as determined by the Superintendent.

6. Upon the conclusion of the interviews and review of the information, testimony and evidence, the Superintendent or designee will prepare a written report. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the Superintendent.

7. If the Superintendent or designee's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur, the Superintendent will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) investigated to review the findings.

8. If the Superintendent or designee's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:

    a. Provide the staff member an opportunity to rebut the findings of the Superintendent's full investigation report and findings;

    b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;

    c. Not recommend the staff member be re-appointed for the next school year;

    d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;

e. Institute tenure charges (if applicable) in accordance with N.J.S.A. 18A and N.J.A.C. 6A; and/or

f. Recommend to the Board of Education any other disciplinary and/or legal measures as the Superintendent determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.

9. If the Superintendent does not concur with the findings of the full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the Superintendent, a discussion with the student(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.

10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

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R 3321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY TEACHING STAFF MEMBERS

The school district provides computer equipment, computer services, and Internet access to its students and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The "system administrators" referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers, teaching staff members must adhere to strict regulations. Regulations are provided here so that teaching staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Teaching staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing teaching staff members behavior and communications apply. The school district's network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to teaching staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by the Supervisor of Technology and/or school administrators.

Within reasonable limits, freedom of speech and access to information will be honored. During school, teaching staff members will guide students toward appropriate materials.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system

administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide student access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Teaching staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise student use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Teaching staff members should discipline students knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform students that such activities may result in termination of such students' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

Any action by a teaching staff member or other user of the school district's computer network(s)/computers that is determined by a system administrator to constitute an inappropriate use of computer network(s)/computers resources or to improperly restrict or inhibit other members from using and enjoying those resources is strictly prohibited and may result in limitation on or termination of an offending member's account and other action in compliance with the Board policy and regulation. The user specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material; nor shall a user encourage the use, sale, or distribution of controlled substances. Transmission of material, information or software in violation of any local, state or federal law is also prohibited and is a breach of the Consent and Waiver Agreement.

Users agree to indemnify the Little Ferry School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network(s)

Software libraries on the network(s) are provided to teaching staff members as an educational resource. No teaching staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 3321, Teaching Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 3150, Teaching Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Supervisor of Technology in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities are the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;

2. Suspension of network privileges;

3. Revocation of network privileges;

4. Suspension of computer privileges;

5. Revocation of computer privileges;

6. Suspension from employment;

7. Legal action and prosecution by the authorities; and/or

8. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

Decisions of the Supervisor of Technology may be appealed in accordance with the appropriate employee grievance procedure.

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R 3362 SEXUAL HARASSMENT OF TEACHING STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.

3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct

a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.

b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.

c. A report to the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.

d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities as outlined in Policy No. 3362 and this Regulation.

2. Affirmative Action Officer's Investigation

a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.

c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.

d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.

e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 3362 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.

f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

g. The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.

h. The school district administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.

i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.

3. Investigation Results

a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.

b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.

d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

e. In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.

f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.

g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.

h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.

4. Affirmative Action Officer's Investigation Appeal Process

a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.

b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).

2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:

   a. The school district has a policy prohibiting sexual harassment and a grievance procedure;

   b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and

   c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

R 3425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – TEACHING STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in each school building and in the Coordinator's office.

2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or to the workers' compensation physician.

   a. In the event the injury requires immediate medical treatment, the staff member may be directed to the school physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.

   b. In the event the staff member gets injured when schools are closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:

      (1) Go to the hospital emergency room; and

      (2) Notify their immediate supervisor as soon as possible after the injury.

   c. In the event the injured staff member goes to the hospital emergency room when schools are closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.

d. In the event the staff member gets injured when schools are closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:

(1) Immediately notify their immediate supervisor; and

(2) Notify the Coordinator's office the next business day.

3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.

a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.

4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.

5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.

B. Physician's Workers' Compensation Examination and Evaluation

1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.

2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.

3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.

2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.

3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.

4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.

5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.

6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.

2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.

3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.

4. There is no restriction on the school district location or the type of modified duties assigned to the staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.

5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.

2. Staff members are required to follow the Coordinator's directives regarding:

   a. Job assignments and tasks;

   b. Attending scheduled doctors' appointments; and

   c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

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R 3432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this district will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:

   a. Personal disability due to the employee's illness or injury,

   b. The employee's exclusion from school by the school district's medical authorities on account of a contagious disease, or

   c. The employee's having been quarantined for a contagious disease in his/her immediate household.

2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:

   a. Has engaged in or prepared for gainful employment with an employer other than the Board,

   b. Has participated in a concerted work stoppage, or

   c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Call in Procedures

1. An employee who anticipates a day of disability should make every reasonable effort to so notify the Building Principal no later than the day before the absence, to allow sufficient time for the securing of substitute services.

2. Notice of the disability should include a reasonable estimate of the duration of the disability.

3. An employee who becomes aware of his/her disability on the morning of the absence must call 201-641-6192 ext. 1602 or use the SAMS login system before 6:30 a.m.

4. An employee who becomes disabled during the school day must so inform the nurse as promptly as possible and request permission to leave the school premises.

5. In all instances, the employee himself/herself should call the Principal to report sick leave. An agent may be appointed to call in sick leave only when the employee is so incapacitated as to make a personal call inadvisable or impossible.

C. Sick Leave Charges

1. A sick leave absence commences when the absence is called in pursuant to paragraph B. An employee who leaves school early because of a disability will not be charged with a sick leave day provided the absence commences after the hour of 11:45 a.m.

2. A sick leave day once commenced may be reinstated as a working day only with the Superintendent approval.

3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.

4. An employee scheduled for a sick leave absence on a day on which the schools do not open because of an emergency (such as a snow day) will not be charged with a sick leave day.

D. Verification of Sick Leave

1. An employee absent for reasons of disability more than three consecutive working days or more than three cumulative working days in any one week shall submit the signed statement of his/her physician indicating:

   a. The reason for the employee's absence, as personally known to the physician; and

   b. If the employee is not immediately returning to work, the anticipated duration of the employee's disability.

2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.

3. If the results of the examination conducted pursuant to paragraph D2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's disability on days claimed for sick leave.

E. Readmission After Disability

1. An employee who wishes to return to work after sick leave of more than three consecutive working days or more than three cumulative working days in any one week shall submit the signed statement of his/her physician indicating the employee's fitness to perform his/her duties.

2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.

3. If the results of the examination conducted pursuant to paragraph E2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's fitness to return to service.

F. Exhaustion of Sick Leave

1. The Board Office will monitor each employee's sick leave bank and charge the employee's bank of accumulated sick leave with sick leave days in accordance with Policy No. 3432 and this regulation.

2. When it is apparent that an employee on extended sick leave will utilize the last sick leave day to which he/she is entitled within five working days, the Superintendent will so inform the employee by written notice. The notice will include a statement of the employee's right to request the Board for an extension of sick leave.

3. A request for the extension of sick leave should be submitted to the Board Office at least five working days in advance of the next Board meeting. The request must be accompanied by a physician's signed statement setting forth the nature and anticipated duration of the employee's disability.

4. An employee who anticipates an extended period of disability may apply to the Board for a disability leave of absence pursuant to Policy No. 3431.

5. Employees are reminded that sick leave extensions and disability leaves of absence are not entitlements and will be granted or denied by the Board on a case by case basis.

6. Employees will receive no compensation or benefits during an unpaid leave of absence, except the continuation of health insurance coverage for which the employee must recompense the district.

G. Accumulation of Sick Leave

1. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's bank of accumulated sick leave.

2. At the beginning of each contract year, all days of sick leave newly available but unused in the prior contract year will be carried forward and credited to a full-time employee's bank of sick leave.

3. The unused sick leave of part-time employees will be accumulated on the basis of hours of work rather than days of work.

   a. At the close of each school year, the number of sick leave days not used by a part-time employee will be multiplied by the number of hours the employee worked in each day or, if the employee worked irregular hours, the average number of hours in each contract day.

   b. At the beginning of the following school year, the total number of hours accumulated will be divided by the number of hours, or average number of hours, to be worked in each contract day. The result constitutes the number of accrued sick leave days the employee may claim when he/she has exhausted the sick leave days available in the current contract year.

   c. When a part-time employee, continuously employed in the district, is employed full-time, his/her accumulated sick leave hours will be divided by the number of hours in a full working day, and the dividend will be multiplied by the number of days he/she worked each week as a part-time employee. The product will be divided by five, the number of days in a full-time week. The resulting number, rounded up to the next full day, represents the number of accrued sick leave days in the employee's sick leave bank.

H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's attendance in accordance with Policy No. 3212.

2. Each employee's attendance record will record the reason for any absence.

3. The attendance record will include the number of accumulated unused sick leave days in the employee's sick leave bank.

Issued: 27 August 2020

R 4000 SUPPORT STAFF MEMBERS

Number	Title
R 4146	Nonrenewal of Nontenured Support Staff Member
R 4160	Physical Examination (M)
R 4211.3	Consulting Outside the District
R 4212	Support Staff Attendance
R 4218	Use, Possession, or Distribution of Substances (M)
R 4220	Evaluation of Support Staff Members
R 4230	Outside Activities
R 4233	Political Activities
R 4281	Inappropriate Staff Conduct
R 4321	Acceptable Use of Computer Network(s)/Computers and Resources by Support Staff Members
R 4352	Sexual Harassment of Support Staff Members Complaint Procedure
R 4425.1	Modified Duty Early Return To Work Program – Support Staff Members
R 4432	Sick Leave

R 4146 NONRENEWAL OF NONTENURED SUPPORT STAFF MEMBER

A. Evaluations

1. Each nontenured support staff member shall be evaluated at least one time each school year.

2. Evaluations shall set forth both the strengths and weaknesses of the nontenured support staff member in order to provide an accurate assessment of his/her performance and to encourage the improvement of that performance.

3. Supervisors shall constructively point out performance deficiencies and offer assistance to nontenured support staff members in the improvement of professional skills.

B. Nonrenewal Recommendation

1. When a nontenured support staff member's performance does not meet the standards of the district, the support staff member's immediate supervisor shall recommend to the Superintendent, no later than April 1, that the support staff member should not be reemployed in the following school year.

2. The nontenured support staff member shall be informed by the Superintendent, in writing, that employment for the next succeeding school year will not be offered. This written notice shall be provided to the nontenured support staff member in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties.

3. A recommendation by the Superintendent for nonrenewal may be based upon the nontenured support staff member's evaluations, job performance, or any factor affecting his/her employment in this district.

4. A nontenured support staff member contract can only be renewed upon the Superintendent's recommendation and a majority vote of the full Board. The Board may not withhold its approval for arbitrary and capricious reasons.

C. Nonrenewal Action

1. The Superintendent will notify the Board members of the recommendation not to renew a nontenured support staff member's contract before notifying the support staff member of the recommendation to not renew. The Superintendent may notify the Board members of the recommendation not to renew the nontenured support staff member's contract and the reasons for the recommendation in a written notice to the Board. In the alternative, the Superintendent may notify the Board members of the recommendation not to renew a nontenured support staff member in executive session. Using this option, the Board will meet in executive session to review the Superintendent's recommendation(s) for nonrenewal of nontenured support staff members. Notice of the executive session shall be given in accordance with N.J.S.A. 10:4-13 and individual notice shall be given, not less than forty-eight hours in advance of the meeting, to those nontenured support staff members whose possible nonrenewal will be discussed at the meeting. If any such employee requests the discussion take place in public, the recommendation for his/her nonrenewal will be severed from any other nonrenewal recommendation and will be scheduled for discussion at a public meeting.

2. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member's contract.

D. Notice of Nonrenewal

1. Notice of the Superintendent's decision not to renew shall be given to each nontenured support staff member not recommended for renewal in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. The Board may delegate the Superintendent or the Board Secretary to give the written notice of nonrenewal.

2. The nonrenewal notice shall be in writing and provided to the nontenured support staff member not recommended for renewal in accordance with the terms of any applicable collective bargaining agreement, individual contract, or any other agreement between the parties. If hand delivered, a record shall be made of the date on which delivery was made. If sent by mail, the notice shall be sent registered mail, return receipt requested, to the nontenured support staff member's address of record.

E. Request for Statement of Reasons

1. A nonrenewed support staff member will be given a written statement of the reasons for which he/she was not renewed provided the support staff member's request for a statement of reasons has been received by the Superintendent within fifteen calendar days after the support staff member has received written notice of his/her nonrenewal.

2. The statement of reasons for a nonrenewal will set forth, with as much particularity as possible, the precise reasons for the nonrenewal. Where the nonrenewal is based on performance deficiencies recorded in the employee's evaluations and the employee has been given a copy of those evaluations, the statement of reasons may incorporate the evaluations by reference.

3. The statement of reasons may be prepared by the Superintendent or the Board Secretary and shall be delivered to the employee who requested it within thirty calendar days after the receipt of the employee's request.

F. Nonrenewal Appearance

1. A support staff member who has requested a statement of reasons for his/her nonrenewal will be granted an informal appearance before the Board to discuss those reasons, provided that he/she had submitted to the Superintendent a written request for such an appearance no later than ten calendar days after the support staff member's receipt of the written statement of reasons.

2. A date for the informal appearance shall be scheduled within thirty calendar days from the support staff member's receipt of the Board's statement of reasons. The appearance shall be conducted at an executive session for which notice has been given in accordance with N.J.S.A. 10:4-13. The Board will determine a reasonable length of time to be devoted to the appearance, depending upon each instance's specific circumstances. The proceeding of an informal appearance before the Board may be conducted pursuant to N.J.A.C. 10:4-12(b)(8).

3. The support staff member requesting the appearance shall be given written notice, no later than forty-eight hours in advance of the meeting at which it is scheduled, of the date, time, place, and duration of the appearance.

4. The purpose of the appearance shall be to permit the nonrenewed support staff member to convince the members of the Board to offer reemployment. To those ends, the appearance shall be informally conducted. This appearance provides a mechanism by which the nontenured support staff member, whose renewal has not been recommended by the Superintendent, can appeal to the Board, on which the Superintendent sits as a non-voting member pursuant to N.J.S.A. 18A:17-20. The proceeding of an informal appearance before the Board shall be conducted with the President of the Board presiding and the appearance shall not be an adversary proceeding.

5. The support staff member may be represented by an attorney or by one individual of his/her choosing. He/She may present witnesses to testify on his/her behalf. Witnesses do not need to present testimony under oath, and their statements may be recorded. The Board will hear witnesses and shall not cross-examine them. Witnesses will be called into the meeting to address the Board one at a time and shall be excused from the meeting after making their statements.

G. Final Determination

1. A nontenured support staff member not recommended for renewal by the Superintendent is deemed not renewed. A Board vote is not required on the Superintendent's recommendation(s) to not renew a nontenured support staff member. However, after an informal appearance before the Board, the Superintendent may make a recommendation for reemployment to the voting members of the Board. The voting members of the Board, by a majority vote of the full Board in public session, must approve the reemployment based on the Superintendent's recommendation.

2. The Board may, with a majority vote of its full membership in public session and without the recommendation of the Superintendent, offer the nontenured support staff member reemployment after the informal appearance before the Board.

3. The final determination will be delivered to the nontenured support staff member, in writing, no later than three days following the informal appearance. The Board may delegate the Superintendent or the Board Secretary to deliver the final determination.

Issued: 27 August 2020

R 4160 PHYSICAL EXAMINATION

A. Definitions

1. "Employee" or "staff member" means the holder of any full-time or part-time position of employment.

2. "Health history" means the record of a person's past health events obtained in writing, completed by the individual or their physician.

3. "Health screening" means the use of one or more diagnostic tools to test a person for the presence or precursors of a particular disease.

4. "Physical examination" means the assessment of an individual's health by a professional licensed to practice medicine or osteopathy, or by an advanced practice nurse or physician assistant.

5. "Physician assistant" means a health care professional licensed to practice medicine with physician supervision.

B. Physical Examinations – Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment shall be required to undergo a physical examination. The physical examination shall include, but is not limited to, a health history and health screenings to determine whether the candidate is able to perform with reasonable accommodation job-related functions pursuant to P.L. 101-336, Americans with Disabilities Act of 1990 (ADA). The candidate for employment will be provided the Board's requirements for the physical examination.

   a. A health history shall include, but is not limited to, the candidate's:

      (1) Past serious illnesses and injuries;

      (2) Current health problems;

      (3) Allergies; and

      (4) A record of immunizations.

b. A health screening shall include, but is not limited to:

(1) Height;

(2) Weight;

(3) Pulse and respiratory rate;

(4) Hearing screening;

(5) Blood pressure; and

(6) Vision screening.

C. Medical Requirements Upon Employment

1. A Mantoux tuberculosis test shall be given upon employment of all newly hired staff members (full-time and part-time), and to all student teachers, school bus drivers on contract with the district, and to contractors or volunteers who have contact with students. Tuberculosis testing is not required for volunteers working with students less than twenty hours per month.

a. Tuberculosis testing is not required:

(1) For new staff members, student teachers, and contractors of the school district with a documented negative tuberculosis test result in the last six months or a documented positive tuberculosis test, regardless of when this test was done; or

(2) For a school district staff member transferring between school districts or from a non-public school within New Jersey with a documented tuberculosis test result upon his/her initial employment by a New Jersey school.

b. Staff members, student teachers, contractors or volunteers who have contact with students and claim a religious exemption cannot be compelled to submit to tuberculosis testing. In these instances, a symptom assessment must be done (TB-8 Form). If TB-like symptoms are reported, a physician must document that the staff member, student teacher, contractor, or volunteer does not have an active disease.

(1) The school district shall determine the criteria essential to document a valid religious exemption.

c. Procedures for the administration of the Mantoux tuberculosis test, interpretation of reactions, follow-up procedures, and reporting shall be conducted in accordance with the guidelines and requirements of the New Jersey Department of Health.

2. An individual support staff member may provide health-status information, including medications that may be of value to medical personnel in the event of an emergency requiring treatment. In such instances, the support staff member may also choose to share with the Principal and, if desired, with the certified school nurse, information regarding current health status to assure ready access in a medical emergency.

D. Health Records

1. All health records of candidates for employment who have received a conditional offer of employment and of current employees, including computerized records, shall be secured, stored, and maintained separately from other personnel files.

2. Health records may be shared only with authorized individuals in accordance with N.J.S.A. 18A:16-5.

E. Employees' Physical Examination and Medical Updates

1. School employee physicals, examinations, and/or annual medical updates shall not require disclosure of HIV status.

F. Comprehensive Fitness for Duty Examination of Candidates for Employment Who Have Received a Conditional Offer of Employment

1. Candidates for employment who have received a conditional offer of employment will also be required to undergo a comprehensive fitness for duty physical examination by a school district approved physician or institution at the Board's expense.

a. This pre-employment physical examination shall not be used to determine a candidate's disabilities; and

b. This examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions pursuant to ADA.

2. The physician or institution completing the examination will be provided the fitness requirements for each position.

3. Comprehensive fitness for duty examinations will be required for all candidates for employment who receive a conditional offer of employment in the following job classifications in the school district:

a. custodian.

G. Review of Examinations and Assessments

1. The results of the physical examination of a candidate for employment who has received a conditional offer of employment will be reviewed by the school physician, who, in consultation with the Superintendent, will determine the candidate's physical and mental fitness to function with reasonable accommodation in the position for which he/she has made application. That determination will be made a part of the candidate's application.

H. Rescinding a Conditional Offer of Employment – Notice to Candidates for Employment Who Receive a Conditional Offer of Employment

1. All candidates for employment who receive a conditional offer of employment shall be informed by the district that:

a. An offer of employment by the Superintendent of Schools or designee is conditional upon completion of the Board's required physical examinations and assessments;

b. The required examinations and assessments will be used to determine the candidate's ability to perform with reasonable accommodations job-related functions pursuant to ADA; and

c. If it is determined upon completing the examination(s) or assessment(s) the candidate is unable to perform with reasonable accommodations job-related functions pursuant to the provisions of the ADA, the conditional offer of employment will be rescinded either by the Superintendent if the Board has not yet approved the appointment or by the Board, if the Board had approved the appointment at a Board meeting.

Adopted: 27 August 2020

R 4211.3 CONSULTING OUTSIDE THE DISTRICT

The Board of Education recognizes that support staff members will have expertise and knowledge in areas that other school districts, agencies, private business organizations and other entities may desire. Recognizing that the school district will request the expertise from support staff members from other school districts, agencies, private business organizations and other entities the Board supports sharing of its support staff members with other school districts and agencies to the extent it does not interfere with the efficient operation of the school district.

A. Definitions

1. Agency - A public or private agency requesting the services of the school district's support staff member.

2. Other school districts - A school district other than the school district that employs the support staff member, including all supervisory and administrative personnel.

3. Out-of-pocket expenses - Expenses that provide reimbursement for such items as travel, lodging, meal expenses, parking, copy costs, and supply costs.

4. Remuneration - Any compensation, including, but not limited to, a paid stipend, an hourly fee, a per day fee, and/or any benefit conferred upon the support staff member, except out-of-pocket expenses.

5. Staff member - A contracted member of the school district's support staff, including all supervisory and administrative personnel.

B. Procedure - Consulting For No Additional Remuneration

1. The support staff member or the agency requesting the expertise and knowledge of the support staff member must submit a written request to the Superintendent or designee. The written request must include the following:

   a. The date(s) the support staff member will be away from the district;

   b. The time of day the support staff member will be away from the school district;

   c. Any out-of-pocket costs to the school district;

   d. Any reimbursements that the support staff member is entitled to from the other school district or agency;

e. The specific services requested of the support staff member; and

f. The location where the services will be provided.

2. The Superintendent or designee will evaluate the request for a recommendation to be approved by the Board based on the criteria above along with any existing or potential relationships with the other school district for reciprocal services, a reduction in the future or existing cost of services to the school district, the support staff member's attendance record and the impact of the support staff member being out of the school district for the requested time.

3. The Superintendent or designee will determine and recommend each request on a case by case basis and the decision is final. The Superintendent may require the other district or agency to pay the cost of any substitute personnel related to the request.

4. If deemed to be in the best interest of the school district, the Superintendent's recommendation will be submitted to the Board for approval.

5. The Board's approval of the Superintendent's recommendation will permit the support staff member's consulting activity attendance and the support staff member will receive credit as a regular workday. There shall be no overtime, extra-pay or additional time-off granted to the support staff member if the request is approved by the Board.

6. The support staff member must normally complete any paid consulting activities on his/her own time which would include vacation days, evenings, weekends, and/or school holidays. The support staff member may be granted an unpaid leave of absence to perform the consulting activity when such leave is recommended by the Superintendent and approved by the Board.

D. Reporting Activities

The support staff member must comply with the New Jersey School Ethics Act N.J.S.A. 18A:12-21 et seq. and, if required, must comply with financial disclosure requirements of N.J.S.A. 18A:12-24 and 12-25.

Issued: 27 August 2020

R 4212 SUPPORT STAFF ATTENDANCE

A. Reporting Intended Absence

1. A support staff member who anticipates absence from work will call SAMS System between the hours of 4:00 p.m. - 6:30 a.m. at least one and one half hours before the intended absence, whenever possible.

2. The following information will be given by the caller:

   a. The employee's name, job title, assigned school, and shift (if applicable);

   b. The day and date of the intended absence; and

   c. The reason for the absence.

3. Employees must call in daily each intended absence unless absence for more than one day has been approved in advance by the immediate supervisor/Superintendent.

B. Analysis of Absence

1. Each intended absence of a support staff member shall be reported to his/her immediate supervisor, who shall determine whether or not a replacement is required for the period of absence.

2. The immediate supervisor shall determine whether the absence is acceptable or requires further verification. Reasons for verification include, but are not limited to the following:

   a. A pattern of absences on the same day(s) of the week;

   b. A pattern of absences before or after nonworking days;

   c. The exhaustion or near exhaustion of accumulated sick leave; and

   d. The habitual exhaustion of personal leave.

C. Review of Absence

1. If the immediate supervisor deems any reason for absence to be unacceptable or if a staff member has been absent on sick leave more than three consecutive school days or absent an aggregate of more than five working days in any one month for any reason, the immediate supervisor shall conduct an informal discussion with the employee to help the employee improve his/her performance. The supervisor shall keep no record of this conference.

2. If the abuse of absence continues the immediate supervisor shall:

   a. Notify the employee in writing of the date and time for a formal conference and the reason for the conference,

   b. Confer with the employee and, if the employee so chooses, his/her representative as well,

   c. Document the reasons for the absences and offer the employee the opportunity to verify or rebut the documentation, and

   d. Prepare a report of the conference to be placed in the employee's file and provide the employee with the opportunity to attach written comments and documents thereto.

D. Record of Attendance

1. A record shall be kept of the attendance of each support staff member, including administrators. Any absence, for part or all of a school day, shall be recorded along with the reason for the absence. An employee's attendance record shall be part of the employee's personnel file.

2. The record will distinguish paid leave, such as sick leave, personal days, family illness, jury duty, and death in family, from unpaid leave, such as excessive sick or personal leave. The employee's attendance record will include notation of verification of an absence where such verification is required by Policy No. 4432.

3. The record will include each employee's rate of absence as calculated monthly.

4. At the end of each school year, a cumulative attendance record shall be assembled for each school and for the district. An attendance summary shall be prepared from the cumulative attendance record. The attendance summary shall show:

   a. The rate of absence for the district and each school in the district,

   b. The rate of absence for each employee in rate order showing highest rate first and average rate for the district,

   c. Reasons for absence in the case of employees whose rate is more than ten percent above the average for the district, and

   d. The appointment of substitutes for absent employees and the wages paid to substitutes.

E. Attendance Improvement Plan

1. The attendance summary shall be analyzed for patterns of absence, such as excessive absenteeism in a given school or work place, among certain groups of employees, for certain specific causes, or on certain days of the week, month, or year.

2. Specific strategies for reducing the rate of absence shall be developed and submitted to the Superintendent.

3. The Principal shall be responsible for implementing the approved plan for the improvement of staff member attendance in his/her school building.

F. In-service Training

The Principal or immediate supervisor shall meet with the support staff members assigned to his/her building at the beginning of each school year to:

1. Inform employees of Board policy and district regulations on attendance;

2. Familiarize employees with the procedures to be used in reporting and verifying absences;

3. Review with employees the cost of absenteeism to the district and the value of accumulated sick leave to the employee; and

4. Acquaint employees with the degree to which attendance will affect evaluation reports.

G. Discipline

1. The record of a conference(s) dealing with excessive absenteeism may serve as an element in the evaluation of any employee's performance and may contribute to a salary recommendation.

2. Employees absent more than ten times in a period of five months shall be disciplined by layoff for a period of five days without pay.

3. Employees disciplined under G2 who do not improve their record of attendance shall be recommended to the Superintendent for discharge.

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R 4218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES

A. Definition

1. "Board physician" means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.

2. "Substance" or "substances" as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages; any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2; any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4; and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

3. "Substance test" means a test conducted by a Board-approved laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.

4. "Support staff member's supervisor" or "supervisor" means the building or district administrative staff member who is responsible for supervising the support staff member. For the purposes of this Policy and Regulation, the support staff member's supervisor shall be the support staff member's Principal or any other administrative staff member responsible at the time of the alleged violation or as designated by the Superintendent.

5. "Under the influence" means the presence of a substance as defined in Policy 4218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a Staff Member has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall report the matter as soon as possible to the staff member's supervisor in accordance with the provisions of Policy 4218 and N.J.A.C. 6A:16-6.3(a).

a. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the supervisor shall notify the Superintendent who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

b. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)2, the Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter including the identity of the staff member involved.

c. A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall be subject to appropriate discipline, which may include, but not be limited to, termination of a non-tenured support staff member or the filing of tenure charges for a tenured support staff member in accordance with law.

C. Procedures to be Followed When a Support Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a support staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function where the support staff member has been assigned job responsibilities.

a. The support staff member's supervisor, upon receiving a report or information a support staff member may be under the influence of a substance during work hours or at a school-sponsored function where the support staff member has been assigned job responsibilities will:

(1) Immediately notify the Superintendent;

(2) Immediately meet with the support staff member;

(a) The support staff member's supervisor may include another staff member in this meeting; and

(b) The support staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.

b. The support staff member's supervisor shall present to the support staff member the report or information supporting the suspicion the support staff member may be under the influence of a substance.

c. The support staff member shall be provided an opportunity to respond to the report or information presented by the supervisor.

d. In the event the supervisor or designee believes the support staff member may be under the influence of a substance after meeting with the support staff member, the supervisor will arrange for an immediate medical examination by the Board physician. The medical examination shall include a substance test administered by the Board physician or a Board-approved laboratory.

e. The support staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the support staff member's supervisor or designee.

f. The support staff member, prior to the medical examination and substance test, will be informed by the Board physician or designee on the type of testing to be completed and the substances that will be tested.

g. The support staff member may, prior to being examined or tested, disclose to the Board physician or designee any prescription medicine, over-the-counter medicine or supplements, or any other reason why the support staff member's test results may be positive.

h. Refusal by a support staff member to consent to the medical examination which includes a substance test will be deemed a positive result for substances.

2. The results of the medical examination and substance test shall be used by the Board physician to determine if the support staff member is under the influence of any substance as defined in Policy 4218 and this Regulation. The substance test procedures will provide for a confirmation test using acceptable confirmation test procedures.

a. Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the support staff member will be deemed a positive result for substances.

3. The results of the substance test shall be provided to the Superintendent and Board physician within twenty-four hours of the test being administered or as soon as the test results are available. The Superintendent shall provide the support staff member with these results.

   a. In the event the results of the medical examination and substance test are not provided to the Superintendent, it will be deemed a positive result for substances.

4. If the Board physician determines, based upon the medical examination and the results of the substance test, that the support staff member was not under the influence of a substance during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities, the support staff member shall return to their position in the school district unless the Superintendent has a reason the support staff member should not be returned to their position.

5. If the Board physician determines, based upon the medical examination and the results of the substance test, that the support staff member was under the influence of a substance during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities, the Board physician will:

   a. Discuss the results of the examination and substance test with the support staff member and provide the support staff member an opportunity to present any medical or other reasons for the Board physician's determination.

   b. Provide the support staff member an opportunity to have the substance test results confirmed by a laboratory selected by the support staff member and approved by the Board physician and Superintendent.

      (1) The Board physician will schedule and coordinate the confirmation test procedures, including the acceptable time period for the confirmation test to be conducted based on the existing test results, and the time in which a confirmation test result would be valid. This confirmation test shall be paid for by the support staff member.

      (2) The confirmation test results must be provided to the Board physician and Superintendent within the time period required by the Board physician.

(3) Any confirmation test results provided to the Board physician and Superintendent not within the time period required by the Board physician shall not be accepted and the support staff member shall be determined to have waived their right to have the results of a confirmation test considered.

c. After completing the requirements in 5. a. and b. above, the Board physician shall make a final determination whether the support staff member was under the influence of a substance during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities.

(1) If the Board physician makes a final determination the support staff member was not under the influence during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities, the Board physician will report a final determination to the Superintendent and the support staff member shall return to their position in the school district unless the Superintendent has a reason the support staff member should not be returned to their position. Any records or documentation regarding a negative medical examination or substance test shall not be included in the support staff member's personnel file.

(2) If the Board physician makes a final determination the support staff member was under the influence during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities, the Board physician will report a final determination to the Superintendent.

D. Procedures to be Followed When a Support Staff Member is Determined to be Under the Influence of a Substance

1. Any support staff member determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities shall be required to meet with the Superintendent.

a. The support staff member may include a staff member or a representative of their choice in this meeting.

2. The Superintendent will provide the support staff member an opportunity to respond to the Board physician's determination.

3. A support staff member determined to be under the influence of a substance during work hours or at a school-sponsored function where the support staff member was assigned job responsibilities will be subject to appropriate discipline which may include, but not be limited to:

   a. Withholding an increment;

   b. Terminating a non-tenured support staff member; and/or

   c. Filing tenure charges for a tenured support staff member.

Issued: 27 August 2020

R 4220 EVALUATION OF SUPPORT STAFF MEMBERS

A. Evaluator

The observation and evaluation of support staff members will be conducted by the employee's immediate supervisor or the Principal, as specified by the Superintendent.

B. Evaluation Criteria

1. Evaluation criteria for each position will derive from the job description for the position and relate directly to each of the tasks described. Wherever possible each set of evaluation criteria will be:

   a. Briefly stated and focused on major responsibilities of the position as well as the employee's attitude towards the job and his/her interpersonal relations on the job;

   b. Based on observable information rather than on factors requiring subjective judgment;

   c. Generic, covering a number of specific positions;

   d. Designed to make note of an employee's strengths as well as weaknesses; and

   e. Written in the same format and in a direct, simple style.

2. Maintenance of job evaluation criteria will be the responsibility of the Superintendent. Evaluation criteria will be reviewed, and

   a. Whenever the corresponding job description is revised, or

   b. On the request of a majority of persons holding a particular job.

3. Each support staff member will be sent a copy of the current evaluation criteria for his/her position by the Superintendent. Any revisions will be provided to each holder of that job within thirty working days of its adoption.

4. Suggested revisions to evaluation criteria by job holders will be referred initially to the job holder's immediate supervisor for review.

C. Collection of Evaluation Data

Data will be gathered by any one or more of the following evaluation methods:

1. Direct observation of the support staff member in the course of performing an assigned duty;

2. Review of a product from the support staff member that results from the performance of his/her assigned duties;

3. Interviews of the support staff member regarding his/her knowledge of assigned duties;

4. Paper and pencil instruments such as competency tests;

5. Audio visual monitoring of the support staff member in the performance of his/her assigned duties; and

6. Reference to previous performance reports.

D. Observation Frequency

1. Support staff members on a post-probationary status will be evaluated at least one time annually.

E. Evaluation Procedures

1. Each observation will total not less than fifteen minutes. The evaluator shall record each separate instance of observation and the activity observed.

2. Each observation will be recorded on a separate form in triplicate.

3. A written evaluation of each support staff member will be prepared by the observer in triplicate and will be based, at least in part, on the observation(s) conducted.

4. A copy of the evaluation will be sent to the employee at least seventy-two hours prior to the evaluation conference.

5. The employee and the evaluator shall hold a conference to discuss the evaluation report during which the evaluator shall point out both the weaknesses and strengths of the employee.

6. Both the evaluator and the employee shall sign each copy of the evaluation report. By signing the evaluation report the employee implies only that he/she has read and understands the document.

7. The employee may prepare a written disclaimer to the evaluation report which will be appended to the report provided it is received by the evaluator not more than fifteen working days following the conference.

8. The evaluator shall distribute copies of the evaluation report to the Board office.

F. Individual Performance Improvement Plan

1. An Individual Performance Improvement Plan will be prepared for each support staff member to correct deficiencies and to encourage improvement.

2. Performance improvement plans will derive from the applicable evaluation criteria and focus on weaknesses identified in the evaluation report.

3. The Individual Performance Improvement Plan will be prepared in cooperation with the employee whenever possible and shall include:

   a. Areas of required growth,

   b. Methods of achieving that growth,

   c. A schedule for implementation of those methods, and

   d. The responsibility of the support staff member and the district for implementing the plan.

4. At the time a Performance Improvement Plan is prepared, a review will also be made of the effort by the staff member to achieve the prior year's plan. The degree to which the employee achieved the requirements of the previous plan will be a measure of his/her performance.

5. Copies of the Individual Performance Improvement Plan will be attached to the employee's evaluation report, given to the support staff member, and filed with the Board of Education personnel files.

6. It is the duty of the support staff member to implement the plan as prepared; his/her failure to do so may result in disciplinary action, including, where appropriate, dismissal.

R 4230 OUTSIDE ACTIVITIES

A. Outside Employment

1. A full-time employee may engage in outside employment when such employment does not:

   a. Constitute a conflict of interest;

   b. Violate the New Jersey School Ethics Act; or

   c. Occur at a time when the employee has assigned district duties and responsibilities.

2. A full-time employee who engages in employment outside the district shall report that employment to the Superintendent only if the outside employment may require any type of accommodation by the school district or if the outside employment would require the staff member to not perform or limit the staff member's ability to perform all the responsibilities of their school district employment.

B. Private Enterprise, Business, or Business Organization

1. An employee shall not conduct activities on school district grounds that may advance a private enterprise, business, or business organization without the express permission of the Superintendent. Permission will not be given for solicitations or collections on behalf of a private enterprise, business, or business organization.

2. An employee shall not, on school grounds, solicit students for trips other than those expressly approved by the Board or Superintendent without permission of the Superintendent. School grounds shall not be used as the point of departure or arrival for any such privately arranged activity.

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R 4233 POLITICAL ACTIVITIES

A. Prohibited Activities

The following political activities are prohibited on school district premises:

1. Posting of political circulars or petitions on bulletin boards that are not sponsored by the school and included as part of the school curriculum and/or program;

2. Distribution to employees, whether by placing in their school mailboxes or otherwise, of political circulars or petitions, except as delivered by the U.S. Postal Service;

3. Collection of and solicitation for campaign funds;

4. Solicitation for campaign workers;

5. Use of students for writing or addressing political materials or the distribution of such materials to or by students;

6. Display of any materials that promote the candidacy of any candidate for office by a person working on an election day in a district facility used on election day as a polling place; and

7. Any activity in the presence of students while on school property, which activity is intended and/or designed to promote, further or assert a position(s) on labor relations issues.

B. Permitted Activities

The conduct of employee elections and any campaigning connected with those elections is permitted on school premises.

C. Nothing in this Regulation shall be interpreted to impose a burden on the constitutionally protected speech or conduct of a staff member or student.

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R 4281 INAPPROPRIATE STAFF CONDUCT

Inappropriate conduct by a school staff member will not be tolerated by the Board of Education. Policy No. 4281 and this Regulation have been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate conduct and conduct unbecoming a school staff member to students.

A. Definitions

1. "Building Principal" is the Principal of the building where the staff member is assigned.

2. "Grievance Procedure" is the grievance procedure that provides for prompt and equitable resolution of inappropriate conduct or conduct unbecoming a school staff member.

3. "Hostile Environment Sexual Harassment" is sexual harassing conduct, which can include sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

4. The "immediate supervisor" for support staff members may be a Building Principal, a member of the school district's non-instructional supervisory staff and/or the School Business Administrator/Board Secretary.

5. "Inappropriate comments" includes, but is not limited to, comments of a sexual nature, sexually oriented humor or language, inappropriate comments about a student's clothing or physical appearance, comments with sexual overtones, comments regarding a student's dating partner or comments about the staff member's personal life that are not relevant to the professional responsibility of the school staff member.

6. "Inappropriate conduct" includes, but is not limited to, sexual misconduct, a request by a school staff member to a student for a social relationship outside the school staff/student relationship, sexually harassing conduct, inappropriate touching by the staff member to a student or permitting a student to inappropriately touch a staff member, corporal punishment, requesting a student to expose private parts of their body, other than for school medical purposes, and

a staff member exposing their own private parts of their body to a student. Inappropriate conduct also includes physical contact between a staff member and student that is beyond the staff member/student professional relationship. This contact includes, but is not limited to, kissing, touching or feeling private parts of the body, holding hands or arms, and other contact that typically shows a sign of affection beyond the staff member/student professional relationship. "Inappropriate conduct" does not include a hug initiated by a student as a sign of the student's appreciation to a school staff member at a school sponsored activity such as school banquets, school recognition programs, graduations, etc.

7. "Inappropriate language or expression" includes, but is not limited to, the use of any profanity, obscene language, public lewdness or the use of public lewdness, comments with sexual overtones, distribution and/or discussion of any pornography.

8. "Inappropriate staff conduct" is any conduct prohibited by this Policy and corresponding Regulation including any other conduct deemed by the Commissioner of Education, the State Board of Education, statute, administrative code, and/or the judicial case law to be inappropriate conduct and/or conduct unbecoming a school staff member.

9. "Quid Pro Quo Sexual Harassment" is when a school employee explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

10. "Professional responsibility or responsibilities" is the responsibilities of the staff member including, but not limited to, all school district sponsored extra-curricular activities, co-curricular activities, athletic coaching responsibilities; and other instructional or non-instructional positions and responsibilities appointed and/or assigned by the administration or Board.

11. "Promptly report" is reporting by the end of the next school day. If school is not in session the next day, then by the end of the first day after the weekend or holiday break. If this reporting time would exceed seventy-two hours, the staff member shall notify the Building Principal no later than seventy-two hours after the required reporting time.

12. "Sexual Harassment" is to include quid pro quo sexual harassment and/or hostile environment sexual harassment.

13. "Staff member" or "school staff member" is a compensated and/or uncompensated member of the school district's staff, including any agents and/or representatives of the school district.

14. "Unannounced or uninvited visit" is a student visiting, without prior notice to the staff member or without an invitation from the staff member, the staff member's residence and/or other place where the staff member may be when not performing school related professional responsibilities.

B. Reporting Procedure

1. Any staff member who believes, or has reason to believe, a student is seeking a relationship with the staff member beyond his/her professional responsibilities must promptly report this information to the Building Principal or immediate supervisor.

2. Any staff member who believes, or has reason to believe, a student is seeking a relationship with another staff member beyond the professional responsibilities of the other staff member or believes, or has reason to believe, another staff member is seeking a relationship with a student beyond the professional responsibilities of the other staff member must promptly report this information to the Building Principal or immediate supervisor.

3. Any staff member who believes he/she had, or may have, engaged in conduct prohibited by this Policy and Regulation must promptly report the conduct to the Building Principal or immediate supervisor.

4. Failure of a staff member to report conduct they know, or had reason to know, is prohibited by this Policy and Regulation and will result in appropriate disciplinary action.

5. Any student, parent, legal guardian and/or other person(s) who believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation shall promptly report the conduct to the Building Principal.

6. Any person, including school staff, may make an anonymous report to the Principal if the person in good faith believes, or has reason to believe, a staff member has engaged in conduct prohibited by this Policy and Regulation.

7. School staff having reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and inform the Building Principal or immediate supervisor after making such report.

C. Investigation of Reports

1. An immediate supervisor or Building Principal who receives a report a staff member engaged in, or may have engaged in, conduct prohibited by this Policy and Regulation will immediately notify the Superintendent.

2. The Superintendent or designee will begin a prompt and thorough investigation of every report.

3. The Superintendent or designee will take such appropriate action as provided for in the law and as necessary at any time after receiving a report. This action may include, but is not limited to, notifying law enforcement, notifying the New Jersey Department of Children and Families if there is reasonable cause to believe a student has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 and in accordance with N.J.A.C. 6A:16-11.1 and/or any other measure provided for in the law.

D. Preliminary Investigation of Reports by Others

1. The Superintendent or designee will begin a prompt, thorough, and impartial investigation. The preliminary investigation will be completed no more than ten working days after the Superintendent received the report.

2. The Superintendent or designee's preliminary investigation may include, but is not limited to, interviews with staff members who may have potential knowledge of the alleged conduct, interviews with any students who may have potential knowledge of such conduct, interviews with parent(s)/legal guardian(s) or any other persons who may have potential knowledge of the alleged conduct, and interview(s) with the school staff member(s) and student(s) reported to have engaged in conduct prohibited by this Policy and Regulation.

3. The Superintendent will request, if relevant to an investigation, the parent(s)/legal guardian(s) of any student involved in the investigation to assist in the investigation to determine if inappropriate staff conduct may have existed.

4. If, based on a preliminary investigation, the Superintendent or designee determines conduct prohibited by this Policy and Regulation did not exist, he/she will meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) reported to review the results of the preliminary investigation. The preliminary investigation report indicating inappropriate conduct did not exist will be in writing and will be provided to the staff member(s) and to the parent(s)/legal guardian(s) if requested. A separate file for all such reports and the report will not be included in the staff member's personnel file.

5. If, based on a preliminary investigation, the Superintendent deems inappropriate staff conduct may have occurred, he/she will immediately notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) indicated in the report to review the procedures to be followed in a continued full investigation. A copy of this Regulation and corresponding Policy will be provided to the staff member(s) and to the parent(s)/legal guardian(s) of the student indicated in the report upon request.

E. Full Investigation

1. The Superintendent, finding that inappropriate staff conduct may have occurred after the preliminary investigation, requires a full investigation. This full investigation may be conducted in cooperation with the New Jersey Department of Children and Families in accordance with N.J.A.C. 6A:16-11.1 and/or local law enforcement.

2. The Superintendent will conduct the full investigation if the New Jersey Department of Children and Families and/or local law enforcement does not intervene or if the allegations do not meet the reporting requirements of N.J.A.C. 6A:16-11.1 for reporting to the New Jersey Department of Children and Families and/or of N.J.A.C. 6A:16-6.3 for reporting to law enforcement.

3. The full investigation will include, but not be limited to, interviews with the staff member(s), students, parent(s)/legal guardian(s) and any other persons who know, or would have reason to know, a staff member may have engaged in inappropriate staff conduct.

4. The Superintendent will accept testimony and evidence from the staff member(s), student(s), parent(s)/legal guardian(s) and other persons who may have information relevant to the investigation.

5. All persons that provide information, testimony, and evidence to the Superintendent relative to a report will be informed the information, testimony and evidence may be used in additional investigations and/or hearings as determined by the Superintendent.

6. Upon the conclusion of the interviews and review of the information, testimony, and evidence, the Superintendent or designee will prepare a written report to the Superintendent. The report will provide a summary of the interviews and information, testimony and evidence and, if possible, a finding from the Superintendent.

7. If the Superintendent or designee's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member did not occur, the Superintendent will notify and meet with the staff member(s) and the parent(s)/legal guardian(s) of the student(s) investigated to review the findings.

8. If the Superintendent or designee's full investigation report finds inappropriate staff conduct and/or conduct unbecoming a school staff member may have occurred, the Superintendent may take such appropriate action necessary and as provided for in the law. This action may include, but is not be limited to:

   a. Provide the staff member an opportunity to rebut the findings of the Superintendent's full investigation report and findings;

   b. Recommend to the Board of Education the withholding of the staff member's salary increment/increase for the subsequent school year;

   c. Not recommend the staff member be re-appointed for the next school year;

   d. Recommend to the Board of Education the staff member be terminated for inappropriate staff conduct and/or conduct unbecoming a school staff member;

   e. Institute tenure charges (if applicable) in accordance with N.J.S.A. 18A and N.J.A.C. 6A; and/or

   f. Recommend to the Board of Education any other disciplinary and/or legal measures as the Superintendent determines to be appropriate under the circumstances and in accordance with any collective bargaining agreements between the employee representative association and the Board of Education.

9. If the Superintendent does not concur with the findings of the full investigation, the Superintendent may continue the investigation, which may include testimony and/or evidence from additional witnesses, a discussion with those who have already provided information to the Superintendent, a discussion with the student(s) and parent(s)/legal guardian(s) and any activity the Superintendent believes would be helpful to the continued investigation. The results of the continued investigation conducted by the Superintendent will proceed consistent with paragraph 7. and 8. above.

10. Any person who is not satisfied with the Superintendent's determination may appeal to the Board of Education.

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R 4321 ACCEPTABLE USE OF COMPUTER NETWORK(S)/COMPUTERS AND RESOURCES BY SUPPORT STAFF MEMBERS

The school district provides computer equipment, computer services, and Internet access to its students and staff for educational purposes only. The purpose of providing technology resources is to improve learning and teaching through research, teacher training, collaboration, dissemination and the use of global communication resources. The "system administrators" referred to herein as employees of the school district who administer the school district computer network(s)/computers and the system administrators reserve the right to monitor all activity on network(s)/computer facilities/computers.

Because of the complex association between so many government agencies and computer network(s)/computers, support staff members must adhere to strict regulations. Regulations are provided here so that support staff members are aware of their responsibilities. The school district may modify these regulations at any time by publishing modified regulations on the network(s) and elsewhere.

Support staff members are responsible for good behavior on computer network(s)/computers. Communications on the computer network(s)/computers are often public in nature. Policies and Regulations governing support staff members behavior and communications apply. The school district's network(s), Internet access and computers are provided to conduct research and as a tool for instruction and to communicate with others. Access to computer network services/computers is given to support staff members who are expected to act in a considerate, responsible and professional manner. Access is a privilege, not a right. Access entails responsibility. Individual users of the district computer network(s)/computers are responsible for their behavior and communications over the computer network(s)/computers. It is presumed that users will comply with district standards. Beyond the clarification of such standards, the district is not responsible for the actions of individuals utilizing the computer network(s)/computers who violate the policies and regulations of the Board.

Computer network(s)/computer storage areas shall be treated in the same manner as other school storage facilities. Computer network(s)/computer administrators may review files and communications to maintain system integrity and ensure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Users should expect all files stored on district servers will be available for review by the Supervisor of Technology and/or school administrators.

Within reasonable limits, freedom of speech and access to information will be honored.

Behaviors including but not limited to the following are prohibited:

1. Sending or displaying offensive messages or pictures;
2. Using obscene language;
3. Harassing, insulting or attacking others;
4. Damaging, degrading or disrupting computers, computer systems or computer network(s)/ computers;
5. Violating copyright laws;
6. Using another's password;
7. Trespassing in another's folders, work or files;
8. Intentionally wasting limited resources;
9. Employing the network(s)/computers for commercial purposes;
10. Engaging in other activities which do not advance the educational purposes for which computer network(s)/computers are provided;
11. Stealing data or other intellectual projects;
12. Forging electronic mail messages;
13. Posting anonymous messages;
14. Accessing school computers for other than educational purposes; and/or
15. Any other unethical, unacceptable, illegal and/or inappropriate activity.

Information Content and Uses of the System

Users agree not to publish on or over the system any information which violates or infringes upon the rights of any other person or any information which would be abusive, profane or sexually offensive to an average person, or which without the approval of the system administrators, contains any advertising or any solicitation of other members to use goods or services. The user agrees not to use the facilities and capabilities of the system to conduct any non-school related business or solicit the performance of any activity which is prohibited by law or is non-educational.

While most of the content available on the Internet is innocuous and much of it a valuable educational resource, some objectionable material exists. The Board will provide student access to Internet resources only in supervised environments and has taken steps to lock out objectionable areas to the extent possible, but potential dangers remain. Support staff members are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material and are to supervise student use of computers and the Internet. The Board and the system administrators do not condone the use of such materials and do not permit usage of such materials in the school environment. Support staff members should discipline students knowingly bringing such materials into the school environment in accordance with Board policies and regulations and inform students that such activities may result in termination of such students' accounts on the computer network(s) and their independent use of computers.

On-line Conduct

Any action by a support staff member or other user of the school district's computer network(s)/computers that is determined by a system administrator to constitute an inappropriate use of computer network(s)/computers resources or to improperly restrict or inhibit other members from using and enjoying those resources is strictly prohibited and may result in limitation on or termination of an offending member's account and other action in compliance with the Board policy and regulation. The user specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal material; nor shall a user encourage the use, sale, or distribution of controlled substances. Transmission of material, information or software in violation of any local, state or federal law is also prohibited and is a breach of the Consent and Waiver Agreement.

Users agree to indemnify the Little Ferry School District and the system administrators for any losses, costs, or damages, including reasonable attorneys' fees incurred by the Board relating to, or arising out of any breach of this section by the user.

Computer network(s)/computer resources are to be used by the user for his/her educational use only; commercial uses are strictly prohibited.

Software Libraries on the Network(s)

Software libraries on the network(s) are provided to support staff members as an educational resource. No support staff member may install, upload, or download software without the expressed consent of the system administrator. Any software having the purpose of damaging other members' accounts on the school district computer network(s)/computers (e.g., computer

viruses) is specifically prohibited. The system administrators, at their sole discretion, reserve the rights to refuse posting of files and to remove files. The system administrators, at their sole discretion, further reserve the right to immediately limit usage or terminate the account or take other action consistent with the Board's policies and regulations of a member who misuses the software libraries.

Copyrighted Material

Copyrighted material must not be placed on any system connected to the network(s)/computers without the author's specific written permission. Only the owner(s) or persons they specifically authorize may upload copyrighted material to the system. Members may download copyrighted material for their own use in accordance with Policy and Regulation Nos. 2531, Copying Copyrighted Materials. Any member may also noncommercially redistribute a copyrighted program with the expressed written permission of the owner or authorized person. Permission must be specified in the document, on the system, or must be obtained directly from the author.

Public Posting Areas (Message Boards/Usenet Groups)

Usenet and Internet Relay Chat Room messages are posted from systems connected to the Internet around the world and the school district system administrators have no control of the content of messages posted from these other systems. To best utilize system resources, the system administrators will determine which Usenet groups are most applicable to the educational needs of the school district and will carry these groups on the school district computer network(s). The system administrators or the school administration, at their sole discretion, may remove messages posted locally that are deemed to be unacceptable or in violation of the Board policies and regulations. The system administrators or the school administration, at their sole discretion, further reserve the right to immediately terminate the account of a member who misuses the message boards or Usenet groups.

Real-time, Interactive, Communication Areas

The system administrators, at their sole discretion, reserve the right to monitor and immediately limit the use of the computer network(s)/computers or terminate the account of a member who misuses real-time conference features (talk/chat/Internet relay chat) etc.

Electronic Mail

Electronic mail ("E-mail") is an electronic message sent by or to a member in correspondence with another person having Internet mail access. All messages sent and received on the school district computer network(s) must have an educational or administrative purpose and are subject

to review. A sender of an E-mail message should expect the E-mail messages will be reviewed by the system administrators or the school administration. Messages received by the system are retained on the system until deleted by the recipient or for a maximum of thirty calendar days. A canceled account will not retain its E-mail. Members are expected to remove old messages within thirty calendar days or the system administrators may remove such messages. The system administrators may inspect the contents of E-mail sent by one member to an addressee, or disclose such contents to other than the sender or a recipient when required to do so by the Board policy, regulation or other laws and regulations of the State and Federal governments. The Board reserves the right to cooperate fully with local, state, or federal officials in any investigation concerning or relating to any E-mail transmitted on the school district computer network(s) or computers.

Disk Usage

The system administrators reserve the right to set quotas for disk usage on the system. A member who exceeds his/her quota of disk space will be advised to delete files to return to compliance with predetermined quotas. A member who remains in noncompliance of disk space quotas after seven school days of notification will have their files removed by a system administrator.

Security

Security on any computer system is a high priority, especially when the system involves many users. If a member feels that he/she can identify a security problem on the computer network(s), the member must notify a system administrator. The member should not inform individuals other than the system administrators or other designated members of the school district staff of a security problem. Professional staff may allow individuals who are not members to access the system through the staff personal account as long as the staff person does not disclose the password of the account to the individuals and understands that the staff person assumes responsibility for the actions of individuals using his/her account. Members may not otherwise allow others to use their account and password. Passwords to the system should not be easily guessable by others, nor should they be words which could be found in a dictionary. Attempts to log in to the system using either another member's account or as a system administrator will result in termination of the account. Members should immediately notify a system administrator if a password is lost or stolen, or if they have reason to believe that someone has obtained unauthorized access to their account. Any member identified as a security risk will have limitations placed on usage of the computer network(s)/computers or may be terminated as a user and be subject to other disciplinary action.

Vandalism

Vandalism will result in cancellation of system privileges and other disciplinary measures. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the system, or any of the agencies or other network(s)/computers that are connected to the Internet backbone or of doing intentional damage to hardware or software on the system. This includes, but is not limited to, the uploading or creation of computer viruses.

Printing

The printing facilities of the computer network(s)/computers should be used judiciously. Printing for other than educational, or school related purposes is prohibited.

Violations

Violations of the Acceptable Use of Computer Network(s)/Computers and Resources may result in a loss of access as well as other disciplinary or legal action. Disciplinary action shall be taken as indicated in Policy and Regulation No. 4321, Support Staff Members, Acceptable Use of Computer Network(s)/Computers and Resources, Policy No. 4150, Support Staff Member Discipline, as well as possible legal action and reports to the legal authorities and entities.

Determination of Consequences for Violations

The particular consequences for violations of this policy shall be determined by the Supervisor of Technology in matters relating to the use of computer network(s)/computers and by the Superintendent or designee in matters of discipline or employee suspension or actions by the authorities deemed to be the appropriate course of action.

Individuals violating this policy shall be subject to the consequences as indicated in Policy No. 2361 and other appropriate discipline which includes but are not limited to:

1. Use of Computer Network(s)/Computers only under direct supervision;

2. Suspension of network privileges;

3. Revocation of network privileges;

4. Suspension of computer privileges;

5. Revocation of computer privileges;

6. Suspension from employment;

7. Legal action and prosecution by the authorities; and/or

8. Any appropriate action that may be deemed necessary as determined by the Superintendent and approved by the Board of Education.

Decisions of the Supervisor of Technology may be appealed in accordance with the appropriate employee grievance procedure.

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R 4352 SEXUAL HARASSMENT OF SUPPORT STAFF MEMBERS COMPLAINT PROCEDURE

Sexual harassment of school staff members is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of school staff members.

A. Definitions

1. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors or other favors, or other verbal, nonverbal or physical conduct of a sexual nature) by a school staff member that is sufficiently severe, persistent, or pervasive to limit another staff member's ability to participate in a workplace environment or activity, or to create a hostile or abusive workplace environment.

3. Quid Pro Quo Harassment - When a school staff member explicitly or implicitly conditions another school staff member's conditions of employment on the staff member's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the staff member resists and suffers the threatened harm or submits and thus avoids the threatened harm.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of harassment of school staff members by other school staff members:

1. Reporting of Sexual Harassment Conduct

a. Any person with any information regarding actual and/or potential sexual harassment of a staff member must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.

b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter, or telephone call.

c. A report to the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.

d. In the event the report alleges conduct by the Building Principal or the Affirmative Action Officer, the Superintendent will designate a school official to assume the Building Principal's or Affirmative Action Officer's responsibilities, as outlined in Policy No. 4352 and this Regulation.

2. Affirmative Action Officer's Investigation

a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

b. When a school staff member provides information or complains about sexual harassment, the Affirmative Action Officer will initially discuss what actions the staff member is seeking in response to the harassment.

c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any staff member(s) who may have been sexually harassed in the past by the school staff member and any other reasonable methods to determine if sexual harassment conduct existed.

d. The Affirmative Action Officer may request a staff member involved in the investigation to assist in the investigation.

e. The Affirmative Action Officer will provide a copy of Board Policy and Regulation No. 4352 to all persons who are interviewed with potential knowledge, upon request, and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.

f. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

g. The Affirmative Action Officer and/or Superintendent will contact law enforcement agencies if there is potential criminal conduct by any party.

h. The school district administration may take interim measures during an Affirmative Action Officer's investigation of a complaint.

i. The Affirmative Action Officer will consider particular issues of welcomeness based on the allegations.

3. Investigation Results

a. Upon the conclusion of the investigation, but not later than ten working days after reported to the Affirmative Action Officer, the Affirmative Action Officer will prepare a summary of findings to the parties. At a minimum, this summary shall include the person(s) providing notice to the school district and the staff member(s) who was alleged to be sexually harassed.

b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.

d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administration shall take reasonable and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

e. In the event the Affirmative Action Officer determines a hostile environment exists, the Superintendent shall take steps to eliminate the hostile environment. The school district may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed staff member, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any school staff member that reports such conduct.

f. In some situations, the school district may need to provide other services to the staff member that was harassed, if necessary, to address the effects of the harassment on that staff member. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed staff member's work performance, counseling and/or other measures that are appropriate to the situation.

g. The Superintendent will take steps to avoid any further sexual harassment and to prevent any retaliation against the staff member who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed staff member to report any subsequent problems and will make follow-up inquiries to see if there has been any new incidents or retaliation.

h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.

4. Affirmative Action Officer's Investigation Appeal Process

a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any person who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.

b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Persons not satisfied with the resolution of an allegation of sexual harassment by school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).

2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of school staff members, OCR will consider whether:

   a. The school district has a policy prohibiting sexual harassment and a grievance procedure;

   b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and

   c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

R 4425.1 MODIFIED DUTY EARLY RETURN TO WORK PROGRAM – SUPPORT STAFF MEMBERS

The Modified Duty Early Return to Work Program shall be administered by the School Business Administrator/Board Secretary, the district's designated Workers' Compensation Coordinator.

A. Filing a Claim Report

1. A staff member must file a written Workers' Compensation Report if they have been injured in the performance of their job. This Report will be available in the main office and the nurse's office in each school building and in the Coordinator's office.

2. Upon sustaining an on-the-job injury, the staff member shall immediately report the injury to their immediate supervisor and report to the school nurse. If the injured staff member is not assigned to a school building with a school nurse, the school staff member shall immediately contact the Coordinator's office. The Coordinator, or designee, will direct the injured staff member to a school's main office, a school nurse, or the workers' compensation physician.

   a. In the event the injury requires immediate medical treatment, the staff member may be directed to the workers' compensation physician or to the hospital emergency room. In this case, the Report shall be completed by the staff member whenever practical.

   b. In the event the staff member gets injured when schools are closed or after business hours and the staff member believes the injury requires immediate medical treatment the staff member shall:

      (1) Go to the hospital emergency room; and

      (2) Notify their immediate supervisor as soon as possible after the injury.

   c. In the event the injured staff member goes to the hospital emergency room when schools are closed, the staff member must report the injury to the Coordinator the next business day. The Coordinator may direct the injured staff member to a school nurse or to the workers' compensation physician. All future medical treatment for the injured staff member shall be scheduled through the Coordinator's office.

d. In the event the staff member gets injured when schools are closed or after business hours and the staff member believes the injury does not require immediate medical treatment, the staff member shall:

(1) Immediately notify their immediate supervisor; and

(2) Notify the Coordinator's office the next business day.

3. The Workers' Compensation Report shall be forwarded to the Coordinator's office as soon as it is completed by the injured staff member.

a. In the event the staff member requires a physician's examination and evaluation, the Coordinator's office will schedule the appointment with the workers' compensation physician's office and the staff member.

4. Any staff member injured on-the-job and the injury causes the staff member to miss work time or prohibits the staff member from fulfilling all their job responsibilities must be examined by the workers' compensation physician. The Coordinator will authorize workers' compensation time off from work for a staff member injured on-the-job only after the staff member has been examined by the worker's compensation physician. The Coordinator may, upon certain circumstances, authorize workers' compensation time from work without requiring an examination by the workers' compensation physician.

5. The Modified Duty Early Return to Work Policy will be attached to the Workers' Compensation Report and this Regulation will be provided to the injured staff member upon request.

B. Physician's Workers' Compensation Examination and Evaluation

1. The Coordinator will provide the workers' compensation physician a job description and a list of required tasks for positions in the school district.

2. Upon completing the medical examination and evaluation, the workers' compensation physician will prepare a report indicating the staff member's physical limitations, if any, that prevent the staff member from completing the staff member's job responsibilities. The workers' compensation physician's report will also include a diagnosis, to the best of the physician's ability, on the length of recovery for each limitation. The physician's report will be forwarded to the Coordinator.

3. The Coordinator will review the workers' compensation physician's report and follow-up with the workers' compensation physician and the staff member if the Coordinator needs more information to make a determination if modified duty is an option for the injured staff member.

C. Modified Duty Restriction

1. There is no permanent modified duty and all modified duty positions are temporary.

2. Upon reviewing the workers' compensation physician's report, the Coordinator will determine if temporary modified duty is appropriate for the staff member. The Coordinator may determine the staff member should be out of work until such time the staff member is able to return to work to assume all their job responsibilities. The Coordinator may also determine a date in the future for the staff member to return to work to assume temporary modified duties.

3. A medical review and examination by the workers' compensation physician may be required to continue a modified duty assignment beyond sixty calendar days.

4. The Board reserves the right to require a staff member returning from modified duty to submit to a physical examination before returning to their position to assume all the job responsibilities of their position.

5. There will be communications among the Coordinator, the injured staff member's supervisor, the staff member, the workers' compensation physician, and the workers' compensation insurance provider throughout the course of treatment and recovery of the injured staff member.

6. A tracking system will be established for documenting a staff member's status in the Modified Duty Program.

D. Assignment of Job Tasks

1. Assigning modified duty to staff members will be decided on a case-by-case basis.

2. Job tasks for staff members on modified duty will be determined and assigned within the limitations established and approved by the workers' compensation physician.

3. The injured staff member's immediate supervisor shall provide periodic status reports to the Coordinator for any staff member assigned modified duty.

4. There is no restriction on the school district location or the type of modified duties assigned to a staff member provided it is consistent with the limitations detailed by the workers' compensation physician. These modified duties may be assigned to a full or partial day schedule depending on the staff member's limitations.

5. The modified duties and/or responsibilities will be within the injured staff member's capabilities and a staff member will not be assigned any modified duties and/or responsibilities that require any certifications/licenses that are not possessed by the injured staff member.

E. Staff Member Requirements

1. Staff members shall perform the job tasks designated by the workers' compensation physician in the physician's report and assigned by the Coordinator. In the event these job tasks cause discomfort, the staff member shall discontinue the specific activity and inform their immediate supervisor. The immediate supervisor will report this information to the Coordinator, who will schedule a medical appointment for the staff member.

2. Staff members are required to follow the Coordinator's directives regarding:

   a. Job assignments and tasks;

   b. Attending scheduled doctors' appointments; and

   c. Completing and transmitting reports to and from the workers' compensation physician, their immediate supervisor, and the Coordinator's office.

F. Compliance With Laws

The Modified Duty Early Return To Work Program shall be administered consistent with the applicable federal and State laws and in accordance with provisions of collective bargaining agreements within the district.

Issued: 27 August 2020

R 4432 SICK LEAVE

A. Eligibility for Sick Leave

1. Each person steadily employed by this district will be paid in full, to the limit of his/her entitlement, for days on which the employee is absent from work because of:

   a. Personal disability due to the employee's illness or injury;

   b. The employee's exclusion from school by the school district's medical authorities on account of a contagious disease; or

   c. The employee's having been quarantined for a contagious disease in his/her immediate household.

2. Whatever the claims of disability, no day of absence shall be considered to be a sick leave day on which the employee:

   a. Has engaged in or prepared for gainful employment with an employer other than the Board;

   b. Has participated in a concerted work stoppage; or

   c. Has engaged in any activity, vocational or avocational, that clearly refutes the employee's claim of disability or quarantine.

B. Call in Procedures

1. An employee who anticipates a day of disability should make every reasonable effort to so notify his/her immediate supervisor no later than the day before the absence, to allow sufficient time for the securing of any substitute services that may be required.

2. Notice of the disability should include a reasonable estimate of the duration of the disability.

3. An employee who becomes aware of his/her disability on the morning of the absence must call the SAMS System between the hours of 4:00 p.m. and 7:00 a.m.

4. An employee who becomes disabled during the school day must so inform the nurse as promptly as possible and request permission to leave the school premises.

5. In all instances, the employee should call personally to report sick leave. An agent may be appointed to call in sick leave only when the employee is so incapacitated as to make a personal call inadvisable or impossible.

C. Sick Leave Charges

1. A sick leave absence commences when the absence is called in pursuant to paragraph B.

   a. An employee who leaves school early because of a disability will not be charged with a sick leave day provided the absence commences after the hour of 12:30 p.m.

   b. A school bus driver who reports a disability after the morning bus runs are completed will be charged only one-half a sick leave day.

2. A sick leave day once commenced may be reinstated as a working day only with the approval of the Superintendent.

3. An employee absent on sick leave on a day when the school is closed early for emergency reasons will be charged with a full sick leave day.

4. An employee scheduled for a sick leave absence on a day on which the schools do not open because of an emergency (such as a snow day) will not be charged with a sick leave day.

D. Verification of Sick Leave

1. An employee absent for reasons of disability more than three consecutive working days or more than five cumulative working days in any one week shall submit the signed statement of his/her physician indicating:

   a. The reason for the employee's absence, as personally known to the physician, and

b. If the employee is not immediately returning to work, the anticipated duration of the employee's disability.

2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.

3. If the results of the examination conducted pursuant to paragraph D2 are inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's disability on days claimed for sick leave.

E. Readmission After Disability

1. An employee who wishes to return to work after sick leave of more than three consecutive working days or more than five cumulative working days in any one week shall submit a signed statement of his/her physician indicating the employee's fitness to perform his/her duties.

2. The Board may, at its discretion, require the employee to submit to examination by the school medical inspector or a physician designated by the school medical inspector.

3. If the results of the examination conducted pursuant to paragraph D2 is inconsistent with the statement of the employee's physician, the two examining physicians shall agree in good faith on a third physician, who shall examine the employee and whose medical opinion shall be conclusive and binding as to the employee's fitness to return to service.

F. Exhaustion of Sick Leave

1. The Superintendent's office will monitor each employee's sick leave bank and charge the employee's bank of accumulated sick leave with sick leave days in accordance with Policy No. 4432 and this regulation.

2. When it is apparent that an employee on extended sick leave will utilize the last sick leave day to which he/she is entitled within five working days, the Superintendent will so inform the employee by written notice. The notice will include a statement of the employee's right to request the Board for an extension of sick leave.

3. A request for the extension of sick leave should be submitted to the Superintendent at least five working days in advance of the next Board meeting. The request must be accompanied by a physician's signed statement setting forth the nature and anticipated duration of the employee's disability.

4. An employee who anticipates an extended period of disability may apply to the Board for a disability leave of absence, during which the employee will receive no compensation or benefits, pursuant to Policy No. 4431.

5. Employees are reminded that sick leave extensions and disability leaves of absence are not entitlements and will be granted or denied by the Board on a case by case basis.

G. Accumulation of Sick Leave

1. Sick leave will be charged, first, to the sick leave newly available in the employee's current contract year and, when that sick leave entitlement is exhausted, to the employee's bank of accumulated sick leave.

2. At the beginning of each contract year, up to all days of sick leave newly available but unused in the prior contract year will be carried forward and credited to a full-time employee's bank of sick leave.

3. The unused sick leave of part-time employees will be accumulated on the basis of hours of work rather than days of work.

   a. At the close of each contract year, the number of sick leave days not used by a part-time employee will be multiplied by the number of hours the employee worked in each day or, if the employee worked irregular hours, the average number of hours in each contract day.

b. At the beginning of the following contract year, the total number of hours accumulated will be divided by the number of hours, or average number of hours, to be worked in each contract day. The result constitutes the number of accrued sick leave days the employee may claim when he/she has exhausted the sick leave days available in the current contract year.

c. When a part-time employee, continuously employed in the district, is employed full-time, his/her accumulated sick leave hours will be divided by the number of hours in a full working day, and the dividend will be multiplied by the number of days he/she worked each week as a part-time employee. The product will be divided by five, the number of days in a full-time week. The resulting number, rounded up to the next full day, represents the number of accrued sick leave days in the employee's sick leave bank.

H. Records

1. The personnel file of each person employed by this district will include an accurate record of the employee's attendance in accordance with Policy No. 4212.

2. Each employee's attendance record will record the reason for any absence.

3. The attendance record will include the accumulated unused sick leave in the employee's sick leave bank.

Issued: 27 August 2020

R 5000 STUDENTS

Number	Title
R 5111	Eligibility of Resident/Nonresident Students (M)
R 5116	Education of Homeless Children
R 5117	Interdistrict Public School Choice
R 5130	Withdrawal From School (M)
R 5200	Attendance (M)
R 5230	Late Arrival and Early Dismissal
R 5300	Automated External Defibrillators (AEDs) (M)
R 5306	Health Services To Nonpublic Schools (M)
R 5308	Student Health Records (M)
R 5310	Health Services (M)
R 5320	Immunization
R 5330	Administration of Medication (M)
R 5330.01	Administration of Medical Marijuana (M)
R 5330.04	Administering an Opioid Antidote (M)
R 5331	Management of Life-Threatening Allergies in Schools (M)
R 5338	Diabetes Management (M)
R 5350	Student Suicide Prevention (M)
R 5410	Promotion and Retention (M)
R 5420	Reporting Student Progress (M)
R 5500	Expectations for Student Conduct
R 5513	Care of School Property (M)
R 5519	Dating Violence at School (M)
R 5530	Substance Abuse (M)
R 5533	Student Smoking
R 5550	Disaffected Students (M)
R 5560	Disruptive Students (M)
R 5561	Use of Physical Restraint and Seclusion Techniques for Students with Disabilities (M)
R 5600	Student Discipline/Code of Conduct (M)
R 5610	Suspension Procedures (M)
R 5611	Removal of Students for Firearms Offenses (M)
R 5612	Assaults on District Board of Education Members or Employees (M)
R 5613	Removal of Students for Assaults with Weapons Offenses (M)
R 5721	Distribution of Independent Publications
R 5750	Equal Educational Opportunity Complaint Procedure (M)
R 5751	Sexual Harassment of Students (M)
R 5860	Rules for Safety Patrol Members (M)

R 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

A. Definitions

1. "Affidavit student" means a student attending, or seeking to attend, school in a district pursuant to N.J.S.A. 18A:38-1.b and N.J.A.C 6A:22-3.2(a).

2. "Appeal" means contested case proceedings before the Commissioner of Education pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

3. "Applicant" means a parent, guardian, or a resident supporting an affidavit student who seeks to enroll a student in a school district; or an unaccompanied homeless youth or adult student who seeks to enroll in a school district.

4. "Commissioner" means the Commissioner of Education or his/her designee.

5. "Guardian" means a person to whom a court of competent jurisdiction has awarded guardianship or custody of a child, provided that a residential custody order shall entitle a child to attend school in the residential custodian's school district unless it can be proven that the child does not actually live with the custodian. "Guardian" also means the Department of Children and Families for purposes of N.J.S.A. 18A:38-1.e.

B. Eligibility to Attend School – Students Domiciled in the District

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district if the student is domiciled within the district:

   a. A student is domiciled in the school district when he or she is living with a parent or guardian whose domicile is located within the school district.

      (1) When a student's parents or guardians are domiciled within different school districts and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the school district of the parent or guardian with whom the student lives for the majority of the school year. This provision shall apply regardless of which parent has legal custody.

(2) When a student's physical custody is shared on an equal-time, alternating week/month or other similar basis so the student is not living with one parent or guardian for a majority of the school year and there is no court order or written agreement between the parents designating the school district of attendance, the student's domicile is the present domicile of the parent or guardian with whom the student resided on the last school day prior to October 16 preceding the application date.

(a) When a student resided with both parents or guardians, or with neither parent or guardian, on the last school day prior to the preceding October 16, the student's domicile is the domicile of the parent or guardian with whom the parents or guardians indicate the student will be residing on the last school day prior to the ensuing October 16. When the parents or guardians do not designate or cannot agree upon the student's likely residence as of that date, or if on that date the student is not residing with the parent or guardian previously indicated, the student shall attend school in the school district of domicile of the parent or guardian with whom the student actually lives as of the last school day prior to October 16.

(b) When the domicile of the student with disabilities as defined in N.J.A.C. 6A:14 cannot be determined pursuant to N.J.A.C. 6A:22-3.1, nothing shall preclude an equitable determination of shared responsibility for the cost of such student's out-of-district placement.

(3) When a student is living with a person other than a parent or guardian, nothing in N.J.A.C. 6A:22-3.1 is intended to limit the student's right to attend school in the parent or guardian's school district of domicile pursuant to the provisions of N.J.A.C. 6A:22.

(4) No school district shall be required to provide transportation for a student residing outside the school district for all or part of the school year unless transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.

b. A student is domiciled in the school district when he or she has reached the age of eighteen or is emancipated from the care and custody of a parent or guardian and has established a domicile within the school district.

c. A student is domiciled in the school district when the student has come from outside the State and is living with a person domiciled in the school district who will be applying for guardianship of the student upon expiration of the six-month "waiting period" of State residency required pursuant to N.J.S.A. 2A:34-54 ("home state" definition) and 2A:34-65.a(1). However, a student may later be subject to removal proceedings if application for guardianship is not made within a reasonable period of time following expiration of the mandatory waiting period or if guardianship is applied for and denied.

d. A student is domiciled in the school district when his or her parent or guardian resides within the school district on an all-year-round basis for one year or more, notwithstanding the existence of a domicile elsewhere.

e. A student is domiciled in the school district if the Department of Children and Families is acting as the student's guardian and has placed the student in the school district.

2. When a student's dwelling is located within two or more school districts, or bears a mailing address that does not reflect the dwelling's physical location within a municipality, the school district of domicile for school attendance purposes shall be the municipality to which the majority of the dwelling's property tax is paid, or to which the majority of the dwelling's or unit's property tax is paid.

a. When property tax is paid in equal amounts to two or more municipalities, and there is no established assignment for students residing in the affected dwellings, the school district of domicile for school attendance purposes shall be determined through assessment of individual proofs as provided pursuant to N.J.A.C. 6A:22-3.4.

b. This provision shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.

c. When a student's parent or guardian elects to exercise such entitlement, nothing in N.J.A.C. 6A:22-3.1 shall exclude a student's right to attend the school district of domicile although the student is qualified to attend a different school district pursuant to N.J.S.A. 18A:38-1.b or the temporary residency (less than one year) provision of N.J.S.A. 18A:38-1.d.

3. Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other section of law to the contrary, a child who is domiciled within the school district and resides with a parent or guardian who is a member of the New Jersey National Guard or a member of the reserve component of the armed forces of the United States who is ordered into active military service in any of the armed forces of the United States in a time of war or national emergency, shall be permitted to remain enrolled in the school district in which the child is domiciled at the time of the parent or guardian being ordered into active military service, regardless of where the child resides during the period of active duty. The school district shall not be responsible for providing transportation for the child if the child lives outside of the district. Following the return of the child's parent or guardian from active military service, the child's eligibility to remain enrolled in the school district pursuant to N.J.S.A. 18A:38-3.1 shall cease at the end of the current school year unless the child is domiciled in the school district.

C. Eligibility to Attend School – Other Students Eligible to Attend School

1. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if that student is kept in the home of a person other than the student's parent or guardian, and the person is domiciled in the school district and is supporting the student without remuneration as if the student were his or her own child.

a. A student is not eligible to attend this school district pursuant to this provision unless:

(1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that he or she is not capable of supporting or providing care for the student due to family or economic hardship and that the student is not residing with the other person solely for the purpose of receiving a free public education; and

(2) The person keeping the student has filed, if so required by the Board of Education:

(a) A sworn statement that he or she is domiciled within the school district, is supporting the child without remuneration and intends to do so for a longer time than the school term, and will assume all personal obligations for the student pertaining to school requirements; and

(b) A copy of his or her lease if a tenant, a sworn landlord's statement if residing as a tenant without a written lease, or a mortgage or tax bill if an owner.

b. A student shall not be deemed ineligible under this provision because required sworn statement(s) cannot be obtained when evidence is presented that the underlying requirements of the law are being met, notwithstanding the inability of the resident or student to obtain the sworn statement(s).

c. A student shall not be deemed ineligible under this provision when evidence is presented that the student has no home or possibility of school attendance other than with a school district resident who is not the student's parent or guardian, but is acting as the sole caretaker and supporter of the student.

d. A student shall not be deemed ineligible under this provision solely because a parent or guardian gives occasional gifts or makes limited contributions, financial or otherwise, toward the student's welfare provided the resident keeping the student receives from the parent or guardian no payment or other remuneration for regular maintenance of the student.

e. Pursuant to N.J.S.A. 18A:38-1.c, any person who fraudulently allows a child of another person to use his or her residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of his or her child to a person in another school district commits a disorderly persons offense.

2. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public

education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.b if the student is kept in the home of a person domiciled in the school district, who is not the parent or guardian and the parent or guardian is a member of the New Jersey National Guard or the reserve component of the United States armed forces and has been ordered into active military service in the United States armed forces in time of war or national emergency.

a. Eligibility under this provision shall cease at the end of the school year during which the parent or guardian returns from active military duty.

3. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.d if the student's parent or guardian temporarily resides within the school district and elects to have the student attend the school district of temporary residence, notwithstanding the existence of a domicile elsewhere.

a. When required by the Board of Education, the parent or guardian shall demonstrate the temporary residence is not solely for purposes of the student attending the school district of temporary residence;

b. When one of a student's parents or guardians temporarily resides in a school district while the other is domiciled or temporarily resides elsewhere, eligibility to attend school shall be determined in accordance with N.J.A.C. 6A:22-3.1(a)1i. However, no student shall be eligible to attend school based upon a parent or guardian's temporary residence in a school district unless the parent or guardian demonstrates, if required by the Board of Education, the temporary residence is not solely for purposes of a student's attending the school district.

4. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-1.f if the student's parent or guardian moves to another school district as the result of being homeless, subject to the provisions of N.J.A.C. 6A:17-2, Education of Homeless Children.

5. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A.

18A:38-2 if the student is placed by court order or by a society, agency, or institution in the home of a school district resident pursuant to N.J.S.A. 18A:38-2. As used in this section, "court order" shall not encompass orders of residential custody under which claims of entitlement to attend a school district are governed by provisions of N.J.S.A. 18A:38-1 and the applicable standards set forth in N.J.A.C. 6A:22.

6. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend school in this school district pursuant to N.J.S.A. 18A:38-3.b if the student previously resided in the school district and if the parent or guardian is a member of the New Jersey National Guard or the United States reserves and has been ordered to active service in time of war or national emergency, resulting in the relocation of the student out of the school district. A school district admitting a student pursuant to N.J.S.A. 18A:38-3.b shall not be obligated for transportation costs.

7. A student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, is eligible to attend the school district pursuant to N.J.S.A. 18A:38-7.7 et seq. if the student resides on Federal property within the State.

8. In accordance with N.J.S.A. 18A:38-1.1, a student who is not considered homeless under N.J.S.A. 18A:7B-12 and who moves to a new school district during the academic year as a result of a family crisis shall be permitted to remain enrolled in the original school district of residence for the remainder of the school year without the payment of tuition. A student attending an academic program during the summer, who is otherwise eligible except for the timing of the move, shall be permitted to remain in the school district for the remainder of the summer program if it is considered an extension of the preceding academic year.

   a. For purposes of N.J.A.C. 6A:22-3.2(h) and Policy and Regulation 5111, "family crisis" shall include, but not be limited to:

      (1) An instance of abuse such as domestic violence or sexual abuse;

      (2) A disruption to the family unit caused by death of a parent or guardian; or

(3) An unplanned displacement from the original residence such as fire, flood, hurricane, or other circumstances that render the residence uninhabitable.

b. Upon notification of the move by the parent or guardian, the original school district of residence shall allow the student to continue attendance and shall provide transportation services to and from the student's new domicile in accordance with N.J.S.A. 18A:39-1. The original school district of residence may request from the parent or guardian and may review supporting documentation about the reason(s) for the move; however, any such review shall not interrupt the student's continued enrollment in the school district and in the current school of attendance with the provision of transportation.

(1) Examples of documentation include, but are not limited to, newspaper articles, insurance claims, police or fire reports, notes from health professionals, custody agreements, or any other legal document.

c. If the parent or guardian or the relevant documentation indicates the child is homeless pursuant to N.J.S.A. 18A:7B-12, the school district liaison shall assume the coordination of enrollment procedures pursuant to N.J.A.C. 6A:17-2.5 and the student shall not be eligible for enrollment under N.J.S.A. 18A:38-1.1.

d. If the original school district of residence determines the situation does not meet the family crisis criteria outlined in 8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of his or her right to appeal the decision within twenty-one calendar days of his or her receipt of the notification, and shall state that if such appeal is denied, he or she may be assessed the costs for transportation provided to the new residence during the period of ineligible attendance. It shall also state whether the parent or guardian is required to withdraw the student by the end of the twenty-one day appeal period in the absence of an appeal.

(1) The parent or guardian may appeal by submitting the request in writing with supporting documentation to the Executive County Superintendent of the county in which the original school district of residence is situated.

(2) Within thirty calendar days of receiving the request and documentation, the Executive County Superintendent shall issue a determination whether the situation meets the family crisis criteria set forth at 8.a. above. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued.

(3) If the Executive County Superintendent determines the situation does not constitute a family crisis, the school district may submit to the Executive County Superintendent for approval the cost of transportation to the ineligible student's new domicile. The Executive County Superintendent shall certify the transportation costs to be assessed to the parent or guardian for the period of ineligible attendance.

e. When the original school district of residence determines the situation constitutes a family crisis pursuant to N.J.S.A. 18A:38-1.1, the Superintendent or designee shall immediately notify the parent or guardian in writing.

(1) When the original school district of residence anticipates the need to apply for reimbursement of transportation costs, it shall send to the Executive County Superintendent a request and documentation of the family crisis for confirmation the situation meets the criteria set forth at 8.a. above.

(2) Within thirty days of receiving the school district's request and documentation, the Executive County Superintendent shall issue a determination of whether the situation meets the criteria for a family crisis. The original school district of residence shall continue to enroll the student and provide transportation to the current school of attendance in accordance with N.J.S.A. 18A:39-1 until the determination is issued, and shall not be reimbursed for additional transportation costs unless the Executive County Superintendent determines the situation is a family crisis or as directed by the Commissioner upon appeal.

f. In providing transportation to students under N.J.S.A. 18A:38-1.1, the Board shall use the most efficient and cost-effective means available and in conformance with all laws governing student transportation.

g. At the conclusion of the fiscal year in which the Executive County Superintendent has determined the situation constitutes a family crisis, the original school district of residence may apply to the Executive County Superintendent for a reimbursement of eligible costs for transportation services.

(1) Eligible costs shall include transportation for students who are required to be transported pursuant to N.J.S.A. 18A:39-1.

(2) The school district shall provide documentation of the transportation costs for the eligible student(s) to the Executive County Superintendent who shall review and forward the information to the Department's Office of School Facilities and Finance for reimbursement payment(s) to the school district.

(3) Payment to the school district shall be made in the subsequent fiscal year and shall equal the approved cost less the amount of transportation aid received for the student(s).

h. Nothing in N.J.A.C. 6A:22-3.2 shall prevent the Board of Education from allowing a student to enroll without the payment of tuition pursuant to N.J.S.A. 18A:38-3.a.

i. Nothing in N.J.A.C. 6A:22-3.2 shall prevent a parent or school district from appealing the Executive County Superintendent's decision(s) to the Commissioner in accordance with N.J.A.C. 6A:3-1.3. If the Commissioner of Education determines the situation is not a family crisis, his or her decision shall state which of the following shall pay the transportation costs incurred during the appeal process: the State, school district, or parent.

D. Housing and Immigration Status

1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or his or her compliance with local housing ordinances or terms of lease.

2. Except as set forth in a. below, immigration/visa status shall not affect eligibility to attend school. Any student over five and under twenty years of age pursuant to N.J.S.A. 18A:38-1, or such younger or older student as is otherwise entitled by law to a free public education, who is domiciled in the school district or otherwise eligible to attend school in the district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status.

   a. However, the provisions of N.J.S.A. 18A:38-1 and N.J.A.C. 6A:22 shall not apply to students who have obtained, or are seeking to obtain, a Certificate of Eligibility for Nonimmigrant Student Status (INS Form I-20) from the school district in order to apply to the INS for issuance of a visa for the purpose of limited study on a tuition basis in a United States public secondary school ("F-1" Visa).

3. F-1 Visa Students

   F-1 Visa students will not be admitted to this school district.

4. J-1 Visa Students

   J-1 Visa students will not be admitted to this school district.

E. Nothing in Policy and Regulation 5111 or N.J.A.C. 6A:22-3.2 shall be construed to limit the discretion of the Board to admit nonresident students, or the ability of a nonresident student to attend school with or without payment of tuition, with the consent of the district Board pursuant to N.J.S.A. 18A:38-3.a.

F. Proof of Eligibility

1. The Board of Education shall accept a combination of any of the following or similar forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district:

   a. Property tax bills; deeds; contracts of sale; leases; mortgages; signed letters from landlords; and other evidence of property ownership, tenancy, or residency;

   b. Voter registrations; licenses; permits; financial account information; utility bills; delivery receipts; and other evidence of personal attachment to a particular location;

c. Court orders; State agency agreements; and other evidence of court or agency placements or directives;

d. Receipts; bills; cancelled checks; insurance claims or payments; and other evidence of expenditures demonstrating personal attachment to a particular location, or to support the student;

e. Medical reports; counselor or social worker assessments; employment documents; unemployment claims; benefit statements; and other evidence of circumstances demonstrating family or economic hardship, or temporary residency;

f. Affidavits, certifications and sworn attestations pertaining to statutory criteria for school attendance, from the parent, guardian, person keeping an "affidavit student," adult student, person(s) with whom a family is living, or others, as appropriate;

g. Documents pertaining to military status and assignment; and

h. Any other business record or document issued by a governmental entity.

2. The Board of Education may accept forms of documentation not listed above, and shall not exclude from consideration any documentation or information presented by an applicant.

3. The Board of Education shall consider the totality of information and documentation offered by an applicant, and shall not deny enrollment based on failure to provide a particular form or subset of documents without regard to other evidence presented.

4. The Board of Education shall not condition enrollment on the receipt of information or documents protected from disclosure by law, or pertaining to criteria that are not a legitimate basis for determining eligibility to attend school. They include, but are not limited to:

a. Income tax returns;

b. Documentation or information relating to citizenship or immigration/visa status, except as set forth in N.J.A.C. 6A:22-3.3(b);

c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and

d. Social security numbers.

5. The Board of Education may consider, in a manner consistent with Federal law, documents or information referenced in 4. above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board of Education may not, directly or indirectly, require or request such disclosure as an actual or implied condition of enrollment.

6. In the case of a dispute between the school district and the parents of a student in regard to a student's eligibility to enroll in the school district or to remain enrolled in the school district pursuant to the provisions of N.J.S.A. 18A:38-1, the school district may request from the New Jersey Motor Vehicle Commission (NJMVC) the parent or guardian's name and address for use in verifying a student's eligibility for enrollment in the school district. The NJMVC shall disclose to a school district the information requested in accordance with procedures established by the NJMVC. However, the school district shall not condition enrollment in the district on immigration status or on the fact that the NJMVC does not have the name or address of the parent on file.

G. Registration Forms and Procedures for Initial Assessment

1. The Board of Education shall use Commissioner-provided registration forms, or locally developed forms that:

a. Are consistent with the forms provided by the Commissioner;

b. Do not seek information prohibited by N.J.A.C. 6A:22 or any other provision of statute or rule;

c. Summarize, for the applicant's reference, the criteria for attendance set forth in N.J.S.A. 18A:38-1, and specify the nature and form of any sworn statement(s) to be filed;

d. Clearly state the purpose for which the requested information is being sought in relation to the criteria; and

e. Notify applicants that an initial eligibility determination is subject to a more thorough review and evaluation, and that an assessment of tuition is possible if an initially admitted applicant is later found ineligible.

2. The Board of Education shall make available sufficient numbers of registration forms and trained registration staff to ensure prompt eligibility determinations and enrollment. Enrollment applications may be taken by appointment, but appointments shall be promptly scheduled and shall not unduly defer a student's attendance at school.

a. If the school district uses separate forms for affidavit student applications rather than a single form for all types of enrollment, affidavit student

forms shall comply in all respects with the provisions of G.1. above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom he or she is not the parent or guardian, even if not specifically requested.

(1) The Board of Education or its agents shall not demand or suggest that guardianship or custody must be obtained before enrollment will be considered for a student living with a person other than the parent or guardian since such student may qualify as an affidavit student.

(2) The Board of Education or its agents shall not demand or suggest that an applicant seeking to enroll a student of whom the applicant has guardianship or custody produce affidavit student proofs.

b. A district-level administrator designated by the Superintendent shall be clearly identified to applicants and available to assist persons who experience difficulties with the enrollment process.

3. Initial eligibility determinations shall be made upon presentation of an enrollment application, and enrollment shall take place immediately except in cases of clear, uncontested denials.

a. Enrollment shall take place immediately when an applicant has provided incomplete, unclear, or questionable information, but the applicant shall be notified that the student will be removed from the school district if defects in the application are not corrected, or an appeal is not filed, in accordance with subsequent notice to be provided pursuant to N.J.A.C. 6A:22-4.2.

b. When a student appears ineligible based on information provided in the initial application, the school district shall issue a preliminary written notice of ineligibility, including an explanation of the right to appeal to the Commissioner of Education. Enrollment shall take place immediately if the applicant clearly indicates disagreement with the school district's determination and intent to appeal to the Commissioner.

(1) An applicant whose student is enrolled pursuant to this provision shall be notified that the student will be removed without a hearing before the Board if no appeal is filed within the twenty-one day period established by N.J.S.A. 18A:38-1.

4. When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws. When the student is between the ages of six and sixteen, applicants also shall be asked to complete a written statement indicating the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school pursuant to N.J.S.A. 18A:38-25. In the absence of this written statement that the student will be attending school in another school district or nonpublic school, or receiving instruction elsewhere than at a school, designated staff shall report to the school district of actual domicile or residence, or the Department of Children and Families, a potential instance of "neglect" for purposes of ensuring compliance with compulsory education laws, N.J.S.A. 9:6-1. Staff shall provide the school district or the Department of Children and Families with the student's name, the name(s) of the parent/guardian/resident, and the student's address to the extent known. Staff shall also indicate admission to the school district has been denied based on residency or domicile, and there is no evidence of intent to arrange for the child to attend school or receive instruction elsewhere.

5. Enrollment or attendance in the school district shall not be conditioned on advance payment of tuition in whole or part when enrollment is denied and an intent to appeal is indicated, or when enrollment is provisional and subject to further review or information.

6. The Board of Education shall ensure the registration process identifies information suggesting an applicant may be homeless so procedures may be implemented in accordance with N.J.A.C. 6A:17-2 - Education of Homeless Children.

7. Enrollment or attendance in the school district shall not be denied based upon absence of a certified copy of the student's birth certificate or other proof of his or her identity as required within thirty days of initial enrollment, pursuant to N.J.S.A. 18A:36-25.1.

8. Enrollment in the school district shall not be denied based upon absence of student medical information. However, actual attendance at school may be deferred until the student complies with student immunization rules set forth in N.J.A.C. 8:57-4.

9. When enrollment in the school district, attendance at school, or the receipt of educational services in the regular education program appears inappropriate, the

student shall not be denied based upon the absence of a student's prior educational record. However, the applicant shall be advised the student's initial educational placement may be subject to revision upon the school district's receipt of records or further assessment of the student.

H. Notice of Ineligibility

1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22 or the student's initial application is found to be deficient upon subsequent review or investigation, the school district shall immediately provide notice to the applicant that is consistent with Commissioner-provided sample form(s) and meets the requirements of N.J.A.C. 6A:22-4 et seq.

   a. Notices shall be in writing; in English and in the native language of the applicant; issued by the Superintendent; and directed to the address at which the applicant claims to reside.

2. Notices of ineligibility shall include:

   a. In cases of denial, a clear description of the specific basis on which the determination of ineligibility was made:

      (1) The description shall be sufficient to allow the applicant to understand the basis for the decision and determine whether to appeal; and

(2) The description shall identify the specific subsection of N.J.S.A. 18A:38-1 under which the application was decided.

b. In cases of provisional eligibility, a clear description of the missing documents or information that still must be provided before a final eligibility status can be attained under the applicable provision of N.J.S.A. 18A:38-1;

c. A clear statement of the applicant's right to appeal to the Commissioner of Education within twenty-one days of the notice date, along with an informational document provided by the Commissioner describing how to file an appeal;

d. A clear statement of the student's right to attend school for the twenty-one day period during which an appeal can be made to the Commissioner. It also shall state the student will not be permitted to attend school beyond the twenty-first day following the notice date if missing information is not provided or an appeal is not filed;

e. A clear statement of the student's right to continue attending school while an appeal to the Commissioner is pending;

f. A clear statement that, if an appeal is filed with the Commissioner and the applicant does not sustain the burden of demonstrating the student's right to attend the school district, or the applicant withdraws the appeal, fails to prosecute or abandons the appeal by any means other than settlement, the applicant may be assessed, by order of the Commissioner enforceable in Superior Court, tuition for any period of ineligible attendance, including the initial twenty-one day period and the period during which the appeal was pending before the Commissioner;

g. A clear statement of the approximate rate of tuition, pursuant to N.J.A.C. 6A:22-6.3, that an applicant may be assessed for the year at issue if the applicant does not prevail on appeal, or elects not to appeal:

(1) If removal is based on the student's move from the school district, the notice of ineligibility shall also provide information as to whether district Policy permits continued attendance, with or without tuition, for students who move from the school district during the school year.

h. The name of a contact person in the school district who can assist in explaining the notice's contents; and

i. When no appeal is filed, notice that the parent or guardian shall still comply with compulsory education laws. In the absence of a written statement from the parent or guardian that the student will be attending school in another school district or non-public school, or receiving instruction elsewhere than at a school, school district staff shall notify the school district of actual domicile/residence, or the Department of Children and Families, of a potential instance of "neglect" pursuant to N.J.S.A. 9:6-1. For purposes of facilitating enforcement of the State compulsory education requirement (N.J.S.A. 18A:38-25), staff shall provide the student's name, the name(s) of the parent/guardian/resident, address to the extent known, denial of admission based on residency or domicile, and absence of evidence of intent to attend school or receive instruction elsewhere.

I. Removal of Currently Enrolled Students

1. Nothing in N.J.A.C. 6A:22 and this Regulation shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of eligibility, students enrolled in the school district who may be ineligible for continued attendance due to error in initial assessment, changed circumstances, or newly discovered information.

2. When a student who is enrolled and attending school based on an initial eligibility determination is later determined to be ineligible for continued attendance, the Superintendent may apply to the Board of Education for the student's removal.

   a. The Superintendent shall issue a preliminary notice of ineligibility meeting the requirements of N.J.A.C. 6A:22-4.2. However, the notice shall also provide for a hearing before the Board of Education prior to a final decision on removal.

3. No student shall be removed from school unless the parent, guardian, adult student, or resident keeping an "affidavit student," has been informed of his or her entitlement to a hearing before the Board of Education.

4. Once the hearing is held, or if the parent, guardian, adult student, or resident keeping an "affidavit student," does not respond within the designated time frame to the Superintendent's notice or appear for the hearing, the Board of Education shall make a prompt determination of the student's eligibility and shall immediately provide notice in accordance with N.J.A.C. 6A:22-4.2.

5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board of Education or a Board committee, at the discretion of the full Board. If the hearing is conducted by a Board Committee, the Committee shall make a recommendation to the full Board for action. However, no student shall be removed except by vote of the Board of Education taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

J. Appeal to the Commissioner

1. An applicant may appeal to the Commissioner of Education a school district determination that a student is ineligible to attend its schools. Appeals shall be initiated by petition, which shall be filed in accordance with N.J.S.A. 18A:38-1 and N.J.A.C. 6A:3-8.1 and shall proceed as a contested case pursuant to N.J.A.C. 6A:3.

   a. Pursuant to N.J.S.A. 18A:38-1.b(1), appeals of "affidavit student" ineligibility determinations shall be filed by the resident keeping the student.

K. Assessment and Calculation of Tuition

1. If no appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an "affidavit" student following notice of an ineligibility determination, the Board of Education may assess tuition for up to one year of a student's ineligible attendance, including the twenty-one day period provided by N.J.S.A. 18A:38-1 for appeal to the Commissioner.

   a. If the responsible party does not pay the tuition assessment, the Board of Education may petition the Commissioner pursuant to N.J.A.C. 6A:3 for an order assessing tuition, enforceable in accordance with N.J.S.A. 2A:58-10 through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division.

2. If an appeal to the Commissioner is filed by the parent, guardian, adult student, or school district resident keeping an "affidavit" student and the petitioner does not sustain the burden of demonstrating the student's right to attend the school district, or the petitioner withdraws the appeal, fails to prosecute, or abandons the appeal by any means other than settlement agreeing to waive or reduce tuition, the Commissioner may assess tuition for the period during which the hearing and decision on appeal were pending, and for up to one year of a student's ineligible attendance in a school district prior to the appeal's filing and including the twenty-one day period to file an appeal.

    a. Upon the Commissioner's finding that an appeal has been abandoned, the Board of Education may remove the student from school and seek tuition for up to one year of ineligible attendance pursuant to N.J.A.C. 6A:22-6.1(a) plus the period of ineligible attendance after the appeal was filed. If the record of the appeal includes a calculation reflecting the tuition rate(s) for the year(s) at issue, the per diem tuition rate for the current year and the date on which the student's ineligible attendance began, the Commissioner may order payment of tuition as part of his or her decision. In doing so, the Commissioner shall consider whether the ineligible attendance was due to the school district's error. If the record does not include such a calculation and the Board of Education has filed a counterclaim for tuition, the counterclaim shall proceed to a hearing notwithstanding that the petition has been abandoned.

    b. An order of the Commissioner assessing tuition is enforceable through recording, upon request of the Board of Education pursuant to N.J.A.C. 6A:3-12, on the judgment docket of the Superior Court, Law Division, in accordance with N.J.S.A. 2A:58-10.

3. Tuition assessed pursuant to the provisions of N.J.A.C. 6A:22-6 shall be calculated on a per-student basis for the period of a student's ineligible enrollment, up to one year, by applicable grade/program category and consistent with the provisions of N.J.A.C. 6A:23A-17.1. The individual student's record of daily attendance shall not affect the calculation.

4. Nothing in N.J.A.C. 6A:22 shall preclude an equitable determination by the Board of Education or the Commissioner that tuition shall not be assessed for all or part of any period of a student's ineligible attendance in the school district when the particular circumstances of a matter so warrant. In making the determination, the Board of Education or Commissioner shall consider whether the ineligible attendance was due to the school district's error.

Adopted: 27 August 2020

R 5116 EDUCATION OF HOMELESS CHILDREN

A. Definitions (N.J.A.C. 6A:17-1.2)

1. "School district liaison for the education of homeless children" means the person identified in the school district that facilitates all activities needed to ensure the enrollment and attendance of homeless children.

2. "School district of residence" for a homeless child means the school district in which the parent of a homeless child resided prior to becoming homeless. It may not be the school district in which the student currently resides. This is synonymous with the term "school district of origin" referenced in the McKinney-Vento Homeless Education Assistance Act. "School district of residence" for a student in a State facility means the school district in which the parent with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.b.

3. "Homeless child" means a child or youth who lacks a fixed, regular, and adequate residence, pursuant to N.J.S.A. 18A:7B-12 and N.J.A.C. 6A:17-2.2.

4. "Immediate" or "immediately" means at the instant the need for placement is made known.

5. "Parent" means the natural or adoptive parent, legal guardian, foster parent, surrogate parent, or person acting in the place of a parent such as the person with whom the child legally resides or a person legally responsible for the child's welfare.

6. "Superintendent" means Superintendent and/or Chief School Administrator.

B. Determination of Homelessness (N.J.A.C. 6A:17-2.2)

1. The Board of Education shall determine that a child is homeless for the purposes of N.J.A.C. 6A:17-2 when he or she resides in any of the following:

   a. A publicly or privately operated shelter designed to provide temporary living accommodations, including: hotels or motels; congregate shelters, including domestic violence and runaway shelters; transitional housing; and homes for adolescent mothers;

b. A public or private place not designated for or ordinarily used as a regular sleeping accommodation, including: cars or other vehicles including mobile homes; tents or other temporary shelters; parks; abandoned buildings; bus or train stations; or temporary shelters provided to migrant workers and their children on farm sites;

c. The residence of relatives or friends where the homeless child resides out of necessity because his or her family lacks a regular or permanent residence of its own; or

d. Substandard housing.

C. Responsibilities of the School District of Residence (N.J.A.C. 6A:17-2.3)

1. The school district of residence for a homeless child is responsible for the education of the child and shall:

a. Determine the school district in which the child shall be enrolled after consulting with the parent pursuant to N.J.A.C. 6A:17-2.5;

b. Pay the cost of tuition pursuant to N.J.S.A. 18A:38-19, when the child attends school in another school district; and

c. Provide for transportation for the child pursuant to N.J.A.C. 6A:27-6.2.

2. The determination of the homeless child's school district of residence shall be made by the Superintendent of the school district of residence or designee pursuant to N.J.A.C. 6A:17-2.4 based upon information received from the parent, the Department of Human Services or the Department of Children and Families, a shelter provider, another school district, an involved agency, or a case manager.

3. The district Board of Education identified in accordance with N.J.S.A. 18A:7B-12 as the school district of residence for a homeless child shall be the school district of residence until the parent establishes a permanent residence. Financial responsibility will remain with the homeless child's school district of residence until the family is deemed domiciled in another jurisdiction, pursuant to N.J.S.A. 18A:38-1.d.

D. Designation of School District Liaisons and Their Responsibilities (N.J.A.C. 6A:17-2.4)

1. The Superintendent identifies Director of Special Services as the district liaison for the education of homeless children. The school district liaison shall:

a. Facilitate communication and cooperation between the school district of residence and the school district where the homeless child resides;

b. Develop procedures to ensure a homeless child residing in the school district is enrolled and attending school pursuant to N.J.A.C. 6A:17-2.5;

c. Ensure homeless families, children, and youth receive educational services for which they are eligible, including Head Start and Even Start programs, preschool programs administered by the local education agency, and referrals to health care, dental, mental health, and other appropriate services;

d. Inform parents of homeless children and youth of the educational and related opportunities available to their children and ensure that they are provided with meaningful opportunities to participate in the education of their children;

e. Ensure that public notice of the educational rights of homeless children and youth is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;

f. Ensure enrollment disputes are resolved pursuant to N.J.A.C. 6A:17-2.7;

g. Ensure the parent of a homeless child or youth, or any unaccompanied youth, is fully informed of all transportation services, including transportation to the school district of residence, and is assisted in accessing transportation to the school selected under N.J.A.C. 6A:17-2.5;

h. Assist the parent to obtain the homeless child or youth's medical records or required immunizations; and

i. Assist an unaccompanied youth to ensure he or she is enrolled and is receiving all services pursuant to N.J.A.C. 6A:17.

2. When a homeless child resides in a school district, the district liaison shall notify the liaison of the school district of residence within twenty-four hours of receiving notification from the parent, the Department of Human Services or the Department of Children and Families, a shelter director, an involved agency, or a case manager.

3. Upon notification of the need for enrollment of a homeless child, the liaison in the school district of residence shall coordinate enrollment procedures immediately based upon the best interest of the child pursuant to N.J.A.C. 6A:17-2.5(b).

E. School District Enrollment (N.J.A.C. 6A:17-2.5)

1. The Superintendent of the school district of residence or designee shall decide in which district the homeless child shall be enrolled as follows:

   a. Enroll the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the homeless child's parent;

   b. Continue the homeless child's education in the school district of last attendance if it is not the school district of residence; or

   c. Enroll the homeless child in the school district where the child resides.

2. The Superintendent of the school district of residence or designee shall decide the school district of enrollment of a homeless child based on what is determined to be in the best interest of the child after considering:

   a. The enrollment of the homeless child in the school district of residence to the extent feasible, except when doing so is contrary to the wishes of the child's parent.

   b. The continuity of the child's educational program;

   c. The eligibility of the child for special instructional programs, including but not limited to bilingual, gifted and talented, special education, early childhood, and career and technical education programs; and

   d. The distance, travel time, and safety factors in coordinating transportation services from the residence to the school.

3. The Superintendent of the school district of residence or designee shall determine the child's school district enrollment immediately after consultation with the parent. The school district of residence shall adhere to the following procedures:

a. Enrollment decisions shall be made immediately upon notification of the need for enrollment. When the decision is made, the child will be enrolled immediately. If a dispute arises regarding enrollment of a homeless child, the homeless child shall be immediately enrolled in the school district in which enrollment is sought by the parent, pending resolution of the dispute pursuant to N.J.A.C. 6A:17-2.7.

b. Consultation with the parent regarding the enrollment decision and the right to appeal the decision shall be documented in writing.

c. A decision to enroll a homeless child in a school district other than the school district of residence or the school district requested by the parent shall be explained in writing and provided to the parent.

4. When a decision is made to enroll the child in a school district other than the school district of residence, the Superintendent or designee of the school district of residence shall forward to the new school district all relevant school and health records consistent with the provisions of N.J.A.C. 6A:32, School District Operations.

5. When a homeless child with a disability is enrolled in a school district other than the school district of residence, the school district of enrollment shall treat the student as a transfer student pursuant to N.J.A.C. 6A:14, Special Education.

6. When the school district of residence for a homeless child cannot be determined, the Superintendent or designee of the school district in which the child currently resides shall enroll the child immediately in the school district of the current residence or the school district of last attendance.

7. The school district selected pursuant to N.J.A.C. 6A:17-2 shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment such as previous academic records, medical records, proof of residency, or other documentation.

8. Enrollment in the school district of residence, the school district of last attendance if not the school district of residence, or the school district where the child resides shall continue for the duration of homelessness, including when a family becomes homeless between academic years, and also for the remainder of the academic year if the homeless child becomes permanently housed during the academic year.

F. Parental Rights (N.J.A.C. 6A:17-2.6)

1. Unless parental rights have been terminated by a court of competent jurisdiction, the parent retains all rights under N.J.A.C. 6A:17-2.1 et seq.

G. Disputes and Appeals (N.J.A.C. 6A:17-2.7)

1. When a dispute occurs regarding the determination of homelessness or the determination of the school district of enrollment made by the school district of residence, the Superintendent(s) or designee(s) of the involved school district(s) or the child's parent(s) shall immediately notify the Executive County Superintendent of Schools, who, in consultation with the Department's McKinney-Vento Homeless Education Coordinator or designee, shall immediately decide the child's status. If a dispute remains between the parent and the involved school district(s) following the Executive County Superintendent's determination, the parent or the involved district Board(s) of Education may appeal to the Commissioner of Education for a determination pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

2. When a school district designated as the school district of residence disputes its designation as the school district of residence, or where no designation can be agreed upon by the involved school districts, the Superintendent(s) or designee(s) of the involved school districts shall immediately notify the Executive County Superintendent of Schools, who shall make a determination immediately, if possible, but no later than within forty-eight hours.

   a. If the dispute regarding determination of district of residence does not involve the determination of homelessness and/or district enrollment, the school district disputing the Executive County Superintendent's determination may appeal to the Department of Education pursuant to N.J.A.C. 6A:23A-19.2(d), (e), and (f), and request a determination from the Division of Administration and Finance.

   b. If an appeal of a determination of district of residence also includes an appeal of the determination of homelessness and/or school district of enrollment, the appeal shall be submitted to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

3. Any dispute or appeal shall not delay the homeless child's immediate enrollment or continued enrollment in the school district. The homeless child shall be enrolled in the school district in which enrollment or continued enrollment is sought by the parent, pending resolution of the dispute or appeal.

4. Disputes and appeals involving the services provided to a homeless child with a disability shall be made pursuant to N.J.A.C. 6A:14.

H. Tuition (N.J.A.C. 6A:17-2.8)

1. When the homeless child is enrolled in a school district other than the school district of residence, the school district of residence shall pay to the school district of enrollment the tuition costs pursuant to N.J.S.A. 18A:38-19 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer pay tuition to the school district of enrollment.

2. The school district of residence shall list the child on its annual Application for State School Aid (ASSA) pursuant to N.J.S.A. 18A:7F-33 until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d. At that time, the school district of residence shall no longer list the student on its ASSA.

3. The State shall assume fiscal responsibility for the tuition of the child pursuant to N.J.S.A. 18A:7B-12.1 and shall pay the tuition to the school district in which the child is currently enrolled until the parent establishes a permanent residence or is deemed domiciled in another jurisdiction pursuant to N.J.S.A. 18A:38-1.d, under the following circumstances:

   a. If the school district of residence cannot be determined for the homeless child;

   b. If the school district of residence is outside of the State; or

   c. If a child resides in a Department of Community Affairs-licensed emergency shelter or transitional living facility due to domestic violence for more than a year combined for the duration of the placement pursuant to N.J.S.A. 18A:7B-12.d.

      (1) When the State assumes fiscal responsibility for the tuition of a homeless child, the State shall pay to the school district in which the child is enrolled the weighted base per pupil amount calculated pursuant to N.J.S.A. 18A:7F-49, and the appropriate security and special education categorical aids per pupil pursuant to N.J.S.A. 18A:7F-55 and 56.

R 5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

A. Definitions

1. "Choice district" means a public school district established pursuant to Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes that is authorized under the Interdistrict Public School Choice Program to open a school or schools to students from a sending district.

2. "Choice program" means the Interdistrict Public School Choice Program authorized in N.J.S.A. 18A:36B-14 et seq.

3. "Choice student" or "choice pupil" means an out-of-district student who is accepted into a choice district.

4. "Commissioner" means the New Jersey Commissioner of Education.

5. "Department" means New Jersey Department of Education.

6. "Non-public school student" or "non-public school pupil" means any student who is obtaining academic instruction outside of a public school at the time of his or her application to the choice district.

7. "Sending district" means the choice student's district of residence, charter school, or any school the student is required by law to attend.

B. Eligibility Criteria for Boards of Education

1. A Board of Education is eligible to participate in the choice program if it has classroom space available, completes an application form provided by the Department pursuant to N.J.A.C. 6A:12-1.1 et seq., and receives approval from the Commissioner to participate.

C. Eligibility Criteria for Students

1. To be eligible to participate in the program, a student shall be enrolled at the time of application in grades pre-school through twelve in a public school of the sending district and have attended school in the sending district for at least one full year immediately preceding enrollment in a choice district including time spent at any school that a student in a particular district of residence is required by law to attend.

a. If a student attends public school in his or her district of residence and is counted in that district's October Application for State School Aid and the student's family moves during the school year and the student attends public school in his or her new district of residence for the remainder of the school year, the student shall have satisfied the one-year eligibility requirement for application to the school choice program.

b. The one-year requirement shall not apply to a student applying to enroll in Kindergarten in a choice district if that student already has a sibling enrolled in and attending the choice district and if the district of residence of that student does not offer a public pre-school program.

2. A public school student who does not meet the eligibility requirements found in 1. above or a non-public school student may apply to enroll in a choice school district pursuant to N.J.S.A. 18A:36B-20.a. If a choice district allows for non-public school student enrollment, it may not make distinctions between such students on the basis of where they receive this academic instruction.

3. Students residing out of New Jersey may not participate in the choice program.

D. Choice Program Application Procedures

1. An eligible applicant for a choice district shall complete an Interdistrict Public School Choice Program application, which shall be made available by the New Jersey Department of Education and which shall be submitted pursuant to N.J.S.A. 18A:36B-17.

E. Sending District Procedures

1. A sending district may not restrict the participation of its students in the choice program where the district's students provide written notice of intent to apply to a specialized educational program that is offered by the choice district and not offered in the sending district.

2. The calculation of the enrollment of a sending district shall be based on the enrollment count as reported on the Application for State School Aid in October preceding the school year during which the restriction on enrollment shall be applicable.

a. Students from the sending district who are already enrolled in and attending a school choice program shall not be included in the newly calculated number of students eligible to attend a school choice district.

b. When the multiplication of the grade level enrollment by the percentage established in the sending district's resolution adopted pursuant to N.J.S.A. 18A:36B-21.a(1) results in a number with a decimal, the number will be rounded to the next whole number.

c. The sending district's resolution restricting its students' participation may not be applied to the final grade level available in the sending district.

3. Where a Board of Education of a sending district has adopted a resolution pursuant to N.J.S.A. 18A:36B-21.a(1) to impose a limit on the number of its students participating in the choice program, and when student notices of intention to participate in the choice program exceed that limit, the sending district shall:

a. Hold a public lottery to determine the selection of students for participation in the choice program;

b. Notify the parent or guardian of every student who has submitted notice of intent to participate in the choice program of the date and time of the lottery;

c. Assign a number to each student participating in the lottery and notify the parent or guardian of the number assigned to their child(ren); and

d. Develop a waiting list based on the lottery.

4. Where a Board of Education of a sending district has adopted a resolution to impose a limit on the number of its students participating in the choice program, and when student notices of intention to participate in the choice program exceed that limit, before conducting the lottery, the sending district may give preference to siblings of its resident students already enrolled in and attending the choice district.

a. In the event the sending district elects to give preference to siblings of its resident students already enrolled in and attending the choice district and there are more sibling applicants than there are available spaces, the sending district shall conduct a lottery first for the siblings only to determine the selection of students for participation and for placement on the waiting list.

b. In the event the sending district elects to give preference to siblings of its resident students already enrolled in and attending the choice district and there are no spaces available after granting permission to participate in the choice program to siblings of resident students already enrolled in and attending the choice district, the sending district shall conduct a lottery for the remaining applicants to assign them a place on the waiting list.

5. Prior to any lottery that may be held, the sending district shall verify the student is enrolled in the sending district and was reported on the Application for State School Aid in October of the current school year.

6. Prior to any lottery that may be held, the sending district shall notify the applicants of the date and time of such lottery.

7. Any lottery held must be held prior to the deadline set by the Commissioner for written notification to the parent that the student is eligible to participate in the school choice program.

F. Choice District Procedures for Students Meeting the Eligibility Requirements

1. Choice districts shall admit choice students on a space available basis.

a. A Board of Education shall not prevent students from participating in the school choice program.

b. A choice district may not impose admission criteria upon prospective choice program students other than those permitted by statute.

c. A choice district may give preference for enrollment to siblings of enrolled students.

d. When a choice district receives more applications than there are spaces available, the choice district shall hold a public lottery to determine the selection of students for participation in the choice program.

(1) The choice district shall develop a waiting list based on the lottery.

(2) The choice district shall notify the parent or guardian of every student who has submitted an application to participate in the choice program of the date and time of the lottery.

(3) The choice district shall assign a number to each student participating in the lottery and shall notify the parent or guardian of the number assigned to their child(ren).

(4) Before conducting the lottery, the choice district may give preference to siblings of students already enrolled in and attending the choice district.

(a) In the event the choice district elects to give preference to siblings of students already enrolled in and attending the choice district and there are no spaces available after granting permission to participate in the choice program to siblings of students already enrolled in and attending the choice district, the choice district shall conduct a lottery first for the siblings only to determine the selection of students for participation and placement on the waiting list.

(b) In the event that choice district elects to give preference to siblings of students already enrolled in and attending the choice district and there are no spaces available after granting permission to participate in the choice program to siblings of students already enrolled in and attending the choice district, the choice district shall conduct a lottery first for the remaining applicants to assign them a place on the waiting list.

G. Choice Student Application Procedures

1. The Commissioner shall establish a student application timeline each year no later than September 1.

2. Within five business days of the due date set by the Commissioner pursuant to the timeline in 1. above, the choice district shall provide to the Department of Education electronic notification of the number of students who enroll.

3. The choice district shall provide written notification of receipt of each notice of enrollment to each sending district's Board of Education within ten days of the due date for receipt of such notice of enrollment from a choice student resident in that sending district.

4. A choice student applicant may seek from the Commissioner by a showing of good cause a waiver of the student application deadlines established in the timeline in 1. above.

H. Choice District Procedures for Students not Meeting Eligibility Requirements

1. If seats remain available in a choice district after exhausting the list of applicants who meet the requirements of N.J.A.C. 6A:12-2.2(a), including those on any waiting list that has been established through the application process, then the choice district may elect to fill the seats with public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and with non-public school students.

2. Choice districts may accept applications from public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and/or non-public school students up until the deadline set by the Commissioner.

3. Upon the receipt of an application from a public school student who does not meet the requirements of N.J.A.C. 6A:12-2.2(a) or a non-public school student, the choice district shall send a letter to the parent of the student including the following information:

   a. Whether the choice district will consider public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school students for admission to the district. If the choice district has not yet decided, it shall inform the parents of when the decision is expected to be made;

   b. That public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school students will not be considered for admission until the choice district has conducted the application cycle and has exhausted its waiting list of students who meet the requirements of N.J.A.C. 6A:12-2.2(a) for the grade level to which they have applied;

   c. That the choice district may need to conduct a lottery to select the students to be offered admission to the choice district depending on the seats available and the number of applications received from public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and/or non-public school students; and

   d. That the parents of those public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school students will be fully informed of the lottery process in the event that a lottery is required, the date it will be held, and what number has been assigned to the applicant.

I. Choice Student Enrollment

1. Once enrolled in a choice district, the choice student may remain enrolled and is not required to submit annual or periodic applications.

2. Upon acceptance of a choice student, the choice district is obligated to retain the choice student until graduation or until the choice student voluntarily withdraws.

3. In the event of termination of the choice program in that district or Statewide, any student enrolled in that choice district shall be entitled to remain enrolled in that district until graduation.

4. In the event a public school student who is currently a choice student attending school in a choice district moves to another district, that public student is eligible to remain in the choice district as a choice student without application.

5. A resident student of a choice district who moves during the school year may be allowed to remain in the choice district until the end of the school year. The student may apply to the choice program as a funded student for the next school year. If the student moves after the application deadline or otherwise is unable to receive funding as a choice student in the school district for the subsequent school year, the choice school district may enroll the student as an unfunded choice student in that year, and automatically convert the student's enrollment to a funded choice student if he or she remains in the choice program.

J. Appeals from Commissioner of Education Determinations

1. An appeal of any determination by the Commissioner not to grant an application for participation in the choice program may be filed by an eligible choice district applicant according to N.J.A.C. 6A:4.

K. Appeals from Denial of Enrollment

1. An appeal of any denial of a choice student applicant for enrollment in a choice district may be filed by the parent or legal guardian with the Commissioner in accordance with N.J.A.C. 6A:3.

L. General Provisions

1. Choice districts shall accept all credits toward graduation that were awarded by another Board of Education for each choice student it accepts.

a. Choice districts shall award a diploma to a choice student participating in the program if that student meets the graduation requirements of the choice district and of the State of New Jersey.

2. A choice district shall establish and maintain a parent information center.

a. The center shall collect and disseminate information about participating programs and schools, and shall assist parents and legal guardians in submitting applications for enrollment of students in an appropriate program and school.

b. The information about participating programs and schools shall be posted on the choice district's website.

3. A choice district shall file reports with the Department at the end of each application cycle. A choice district's reports shall include demographic and student participation information, fiscal and programmatic information, and updates on the number of available openings.

M. Student Transportation

1. Each sending district shall have the responsibility for the transportation of enrolled choice students who are eligible for transportation services both to and from the choice school in which that student is accepted. Each sending district shall provide transportation or aid in lieu of transportation in accordance with N.J.S.A. 18A:36A-13 and N.J.A.C. 6A:27-4.

N. General Provisions

1. Choice students participating in this program shall qualify for State aid pursuant to N.J.S.A. 18A:36B-14 – Interdistrict Public School Choice Program Act. The sending district will receive transportation aid pursuant to N.J.A.C. 6A:12-8.1.

2. The sending district shall maintain fiscal responsibility for any choice student enrolled in or determined to require a private day or residential school, except that the choice district will be required to contribute any State aid received for such a student and the sending district will be responsible for the balance.

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R 5130 WITHDRAWAL FROM SCHOOL

Every student in this district shall be encouraged to complete the program of instruction in which he/she is enrolled, in cooperation with school staff members. Although the enrollment and attendance of persons over the age of sixteen cannot be compelled by law, school personnel shall make every reasonable effort to determine whether the school is meeting the educational needs of a student who requests withdrawal.

A. Request for Permanent Withdrawal

1. The student must obtain a withdrawal form from the school office to be taken home for the signature of his/her parent(s) or legal guardian(s).

2. The student must meet with the Principal or designee to discuss the reasons for the requested withdrawal.

3. The Principal or designee will review the student's file to determine whether the student has received the educational services to which he/she is entitled.

4. The student will be offered an exit conference with the Principal or designee, at which the student will be informed of:

   a. The desirability of continuing education at some future time toward the award of a high school diploma through an Adult High School Program,

   b. The possibility of readmission until the student is twenty years of age (or, if the student is disabled, until the end of the school year in which his/her twenty-first birthday occurs),

   c. The possibility of further education in the Armed Forces of the United States and the application of such training toward a high school diploma pursuant to N.J.A.C. 6:27-4.1, and

   d. The continuing availability of high school counseling services.

5. The school office will report the withdrawal and the reasons for the withdrawal to the Superintendent to satisfy State reporting requirements.

B. Transferring Students

1. A student requesting transfer to another school, public or private, must obtain from the Principal or designee a transfer form for approval by the student's parent(s) or legal guardian(s).

2. A parent(s) or legal guardian(s) who withdraws a student from this district shall be asked to designate the name and location of the school or school district in which he/she intends to enroll the student. The Principal shall be alert to the receipt of a request for records from that school district, for the purpose of implementing Policy No. 8462.

C. Student's Responsibilities

A student who withdraws, permanently or by transfer, must:

1. Return all books, uniforms, and other school property to the appropriate school staff member, who shall give a proper receipt for returned items;

2. Clear out his/her locker(s) and turn in any locks owned by the district;

3. Clear any obligations, for materials or fines, to the school library;

4. Pay any fines due for damaged or lost textbooks; and

5. Submit a properly authorized withdrawal or transfer form.

D. Records

1. The records of a student who transfers to another school will be sent to that school in accordance with Regulation No. 8330.

2. The permanent records of a student who withdraws from school will be retained in accordance with Regulation No. 8330.

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R 5200 ATTENDANCE

A. Definitions

1. For the purposes of school attendance, a "day in session" shall be a day on which the school is open and students are under the guidance and direction of a teacher or teachers engaged in the teaching process. Days on which school is closed for such reasons as holidays, teachers' institutes, and inclement weather shall not be considered as days in session.

2. A "school day" shall consist of not less than four hours, except that one continuous session of two and one-half hours may be considered a full day of Kindergarten.

3. "A day of attendance" shall be one in which the student is present for a full day under the guidance and direction of a teacher while school is in session.

   a. Whenever over-crowded conditions make it necessary to hold two separate sessions with a different group of students in each session, a student attending for all of either session shall be regarded as having attended for the full day. An excused absence for any reason shall not be counted as a day of attendance in the school register.

4. A "half-day class" shall be considered the equivalent of a full day's attendance only if in session for four hours or more, exclusive of recess periods or lunch periods.

B. Attendance Recording

1. Attendance Recording in the School Register (N.J.A.C. 6A:32-8.1)

   a. The Board of Education shall be required to carefully and accurately track enrollment and attendance of all students in a manual school register format or in an electronic form of the school's choosing.

   b. The Commissioner shall issue and publish on the Department's website school register guidance for recording student attendance in all public schools of the State operated by district Boards of Education, except adult high schools.

c. Student attendance shall be recorded in the school register during school hours on each day school is in session.

d. School registers shall be kept for students attending preschool, Kindergarten, grades one through five, grades six through eight, grades nine through twelve, each preschool class for the disabled, each class for the disabled, shared-time classes for regular students, shared-time classes for students with disabilities, full-time bilingual education programs and vocational day programs, and summer schools operated by the Board of Education.

e. A student who has been placed on home instruction shall have his or her attendance status recorded on the regular register for the program in which the student is enrolled. For the period beginning the first day the student is unable to attend school and ending the day before the first instructional day at the student's place of confinement, the student shall be marked absent. No absences shall be recorded for the student while on home instruction, providing the hours of instruction are not less than required by N.J.A.C. 6A:14-4.8 and 4.9. The number of possible days of enrollment for a student on home instruction shall be the same as for other students in the program in which the student is enrolled.

2. Attendance Recording for Board Policy (N.J.A.C. 6A:32-8.3)

a. A record of the attendance of all students on roll in a school register shall be kept each day that school is in session by a teacher or other authorized person. It shall be the duty of this person to keep the attendance records according to these rules and the specific instructions issued by the Commissioner of Education.

b. No student shall be recorded as present unless the school is in session and the student so recorded is under the guidance and direction of a teacher in the teaching process.

c. A student shall be recorded as absent in the school register when not in attendance at a session of the school while a member of the school, except students excused due to religious holidays who shall be recorded as excused.

d. A student shall be recorded as either present, absent, or excused for religious observance, every day the school is in session after the student enters until the date the student is transferred to another school, transferred to an individual home instruction record, or officially leaves the school system.

e. The Commissioner shall annually prescribe a list of religious holidays on which it shall be mandatory to excuse students for religious observance upon the written request signed by the parent or person standing in loco parentis.

f. The mere presence of a student at roll call shall not be regarded as sufficient attendance for compliance with N.J.A.C. 6A:32-8.3. In a school which is in session during both the forenoon and the afternoon, a student shall be present at least one hour during both the forenoon and the afternoon in order to be recorded as present for the full day. In a school which is in session during either the forenoon or the afternoon, a student shall be present at least two hours in the session in order to be recorded as present for the full day.

g. A student not present in school because of his/her participation in an approved school activity, such as a field trip, meeting, cooperative education assignment, or athletic competition will be considered to be in attendance.

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

1. Notwithstanding the requirement of reporting student absences in the school register for State and Federal reporting purposes, "excused" and "unexcused" student absences for the purpose of expectations and consequences regarding truancy, student conduct, promotion, and the award of course credit is a Board decision outlined in Policy 5200 and this Regulation.

2. N.J.A.C. 6A:16-7.6(a)3 requires the Board of Education policies and procedures contain, at a minimum, a definition of unexcused absence that count toward truancy. "An unexcused absence that counts toward truancy" is a student's absence from school for a full or a portion of a day for any reason that is not an "excused absence" as defined below.

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

   a. The student's illness;

   b. Requirements of a student's individual health care plan;

   c. A death or critical illness in the student's immediate family, or of others with permission of Principal;

   d. Quarantine;

   e. Observance of the student's religion on a day approved for that purpose by the State Board of Education;

   f. The student's suspension from school;

   g. Requirements of the student's individualized education program (IEP);

   h. Alternate short or long term accommodations for students with disabilities;

   i. The student's required attendance in court;

   j. Interviews with an admissions officer of an educational institution;

   k. Necessary and unavoidable medical or dental appointments that cannot be scheduled at a time other than the school day;

   l. Such good cause as may be acceptable to the Principal.

4. For cumulative unexcused absences of ten or more, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25 as determined by the Board's Attendance Policy and Regulation pursuant to N.J.A.C. 6A:16-7.6(a)4.iii. and the definition of school day pursuant to N.J.A.C. 6A:32-8.3. Any absence not listed in C.3. above shall be an unexcused absence counted toward truancy.

5. "Unexcused tardiness" may constitute an unexcused absence that counts toward truancy in accordance with Policy 5240.

D. Notice to School of a Student's Absence

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

2. The parent of the student or an adult student who will attend the morning session, but will not attend the afternoon session shall provide notice to the school office before the start of the afternoon session.

3. The parent of a student or an adult student shall notify the school office of a future absence if the absence is foreseeable.

4. The parent or adult student who anticipates a future absence or anticipates that an absence will be prolonged shall notify the school office to arrange make-up work.

5. In accordance with N.J.S.A. 18A:36-25.6, if a student is determined to be absent from school without valid excuse, and if the reason for the student's absence is unknown to school personnel, the Principal or designee shall immediately attempt to contact the student's parent to notify the parent of the absence and determine the reason for the absence.

E. Readmission to School After an Absence

1. A student returning from an absence of any length of time must provide a written statement that is dated and signed by the parent or adult student listing the reason for the absence.

2. A note explaining a student's absence for a noncommunicable illness for a period of more than five school days must be accompanied by a physician's statement of the student's illness with medical clearance to return to school.

3. A student who has been absent by reason of having or being suspected of having a communicable disease must present to the school nurse written evidence of being free of communicable disease, in accordance with Policy 8451.

4. The Superintendent of Schools or designee may require a student who has been absent from school due to a suspension or other reason concerning the student's conduct to receive a medical examination by a physician regarding the student's physical and/or mental fitness to return to school. The Superintendent or designee will notify the student's parent of the specific requirements of the medical examination prior to the student's return to school.

F. Instruction

1. Teachers shall cooperate in the preparation of home assignments for students who anticipate an excused absence of one or more school days duration. The parent or student must request such home assignments.

2. A student who anticipates an absence due to a temporary or chronic health condition may be eligible for home instruction in accordance with Policy 2412. The parent must request home instruction.

3. Students absent for any reason are expected to make up the work missed. The parent or student is responsible for requesting missed assignments and any assistance required. Teachers will provide make-up assignments as necessary.

4. In general, students will be allowed a reasonable amount of time as determined by the teacher to make up missed work.

5. A student who missed a test or an exam shall be offered an opportunity to take the test, exam, or an appropriate alternate test.

G. Denial of Course Credit

1. The teacher will determine the credit to be awarded a student for make-up work. Where class participation is a factor in the learning process, the teacher may consider a student's absence in determining a final grade, except absences for the observance of a religious holiday or absence for a student's suspension from school will not adversely affect the student's grade. The teacher may record an incomplete grade for a student who has not had a full opportunity to make up missed work.

3. An elementary student may be retained at grade level, in accordance with Policy 5410, when he/she has been absent ten percent or more school days, whatever the reason for the absence, except that absences for the observance of a religious holiday, absences for those excused in accordance with the reporting requirements of the school register, and absences due to student's suspension will not count toward the total.

H. School District Response To Unexcused Absences During the School Year That Count Toward Truancy

1. For up to four cumulative unexcused absences that count toward truancy, the Principal or designee shall:

   a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;

   b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;

   c. Identify, in consultation with the student's parents, needed action designed to address patterns of unexcused absences, if any, and to have the child return to school and maintain regular attendance;

   d. Proceed in accordance with the provisions of N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potentially missing or abused child situation is detected; and

   e. Cooperate with law enforcement and other authorities and agencies, as appropriate.

2. For between five and nine cumulative unexcused absences that count toward truancy, the Principal or designee shall:

   a. Make a reasonable attempt to notify the student's parent of each unexcused absence prior to the start of the following school day;

   b. Make a reasonable attempt to determine the cause of the unexcused absence, including through contact with the student's parent;

   c. Evaluate the appropriateness of action taken pursuant to N.J.A.C. 6A:16-7.6(a)4.i.(3) and H.1.c. above;

   d. Develop an action plan to establish outcomes based upon the student's patterns of unexcused absences and to specify the interventions for supporting the student's return to school and regular attendance, which may include any or all of the following:

(1) Refer or consult with the building's Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;

(2) Conduct testing, assessments, or evaluations of the student's academic, behavioral, and health needs;

(3) Consider an alternate educational placement;

(4) Make a referral to or coordinate with a community-based social and health provider agency or other community resource;

(5) Refer to a court or court program pursuant to N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;

(6) Proceed in accordance with N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-10, if a potential missing or abused child situation is detected; and

(7) Engage the student's family.

e. Cooperate with law enforcement and other authorities and agencies, as appropriate.

3. For ten or more cumulative unexcused absences that count toward truancy, a student between the ages of six and sixteen is truant, pursuant to N.J.S.A. 18A:38-25, and the Principal or designee shall:

a. Make a determination regarding the need for a court referral for the truancy, per N.J.A.C. 6A:16-7.6(a)4.iv. and H.4. below;

b. Continue to consult with the parent and the involved agencies to support the student's return to school and regular attendance;

c. Cooperate with law enforcement and other authorities and agencies, as appropriate; and

d. Proceed in accordance with N.J.S.A. 18A:38-28 through 31, Article 3B, Compelling Attendance at School, and other applicable State and Federal statutes, as required.

4. A court referral may be made as follows:

   a. When unexcused absences that count toward truancy are determined by school officials to be violations of the compulsory education law, pursuant to N.J.S.A. 18A:38-25, and the Board of Education's policies, in accordance with N.J.A.C. 6A:16-7.6(a), the parent may be referred to Municipal Court.

      (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Municipal Court; or

   b. When there is evidence of a juvenile-family crisis, pursuant to N.J.S.A. 2A:4A-22.g, the student may be referred to Superior Court, Chancery Division, Family Part.

      (1) A written report of the actions the school has taken regarding the student's attendance shall be forwarded to the Juvenile-Family Crisis Intervention Unit.

5. For a student with a disability, the attendance plan and its punitive and remedial procedures shall be applied, where applicable, in accordance with the student's IEP, pursuant to 20 U.S.C. §§ 1400 et seq., the Individuals with Disabilities

   Education Act; the procedural protections set forth in N.J.A.C. 6A:14; accommodation plan under 29 U.S.C. §§794 and 705(20); and individualized health care plan and individualized emergency healthcare plan pursuant to N.J.A.C. 6A:16-2.3(b)5.xii.

6. All receiving schools pursuant to N.J.A.C. 6A:14-7.1(a), shall act in accordance with N.J.A.C. 6A:16-7.6(a)4.i. and H.1. above for each student with up to four cumulative unexcused absences that count toward truancy.

   a. For each student attending a receiving school with five or more cumulative unexcused absences that count toward truancy, the absences shall be reported to the sending school district.

      (1) The sending school district shall proceed in accordance with the Board of Education's policies and procedures pursuant to N.J.A.C. 6A:16-7.6(a) and H.5. above and the provisions of N.J.A.C. 6A:16-7.6(a)4.ii. through iv. and H.2. through H.5. above, as appropriate.

I. Discipline

1. Students may be denied participation in co-curricular activities if the Board establishes attendance standards for participation.

2. Students may be denied participation in athletic competition if the Board establishes attendance standards for participation.

3. No student who is absent from school for observance of a religious holiday may be deprived of any award or of eligibility for or opportunity to compete for any award because of the absence.

J. Recording Attendance

1. Teachers must accurately record the students present, tardy, or absent each day in each session or each class. Attendance records must also record students' attendance at out-of-school curricular events such as field trips.

2. A record shall be maintained of each excused absence and each unexcused absence that counts toward truancy as defined in Policy and Regulation 5200.

3. A report card will record the number of times the student was absent and tardy in each marking period.

4. A student's absence for observance of a religious holiday will not be recorded as such on any transcript or application or employment form.

K. Appeal

1. Students may be subject to appropriate discipline for their school attendance record.

2. A student who has been retained at grade level for excessive absences may appeal that action in accordance with Policy 5410.

3. A student who has been dropped from a course and/or denied course credit for excessive absences may appeal that action in accordance with the following procedures:

a. The student shall file a written appeal to the Principal or designee within five school days of receiving notice of the action. The appeal should state the reasons for each absence, any documentation that may support reducing the number of absences for the purposes of course credit, and reasons why the student should either continue to be enrolled in the course or receive course credit for a class the student completed.

b. The Principal or designee will respond in writing no later than seven school days after receiving the student's appeal.

c. If the student is not satisfied, he/she may submit a written request to the Principal for consideration by an Attendance Review Committee.

d. On a student's request for consideration by an Attendance Review Committee, the Principal shall convene an Attendance Review Committee. The Attendance Review Committee shall meet informally to hear the student's appeal. The student's parent and teacher(s) may attend the meeting.

e. The Attendance Review Committee shall decide the appeal and inform the student in writing within seven school days of the meeting.

f. The student may appeal an adverse decision of the Attendance Review Committee to the Superintendent, the Board of Education, and the Commissioner of Education in accordance with Policy 5710, Student Grievance and N.J.S.A. 18A. An appeal to the Attendance Review Committee shall be considered to have exhausted the first two steps of the grievance procedure outlined in Policy 5710.

L. Attendance Records

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

Adopted: 27 August 2020

R 5230 LATE ARRIVAL AND EARLY DISMISSAL

A. Definitions

1. "Late arrival" means the arrival of a student after the beginning of the student's school day for an excused purpose. A late arrival is not an instance of tardiness for the purpose of applying Regulation No. 5240.

2 "Early dismissal" means the release of a student from school prior to the end of the student's school day for an excused purpose; "early dismissal" includes the release of a student for a period of time that occurs during the student's school day. An early dismissal is not an absence for the purpose of applying Regulation No. 5200.

3. "Dismissal from class" means a student's brief absence from his/her assigned class for a reason that has been approved in advance. A "dismissal from class" is not a class "cut" for the purpose of applying Regulation No. 5200.

B. Acceptable Excuses

The following circumstances justify a student's late arrival. The list is not meant to be exhaustive, and the Principal should use his/her best judgment in determining whether or not there is good cause for the student's late arrival.

1. The student's disability from illness or injury, including any necessary emergency visits to a physician or dentist;

2. A bona fide family emergency;

3. The observance of a religious holiday;

4. Religious instruction;

5. Family emergency;

6. Medical or dental appointment that cannot be scheduled at a time other than during the school day;

7. Motor vehicle driver's examination that cannot be scheduled at a time other than during the school day;

8. The student's required attendance in court;

9. Private lessons in music, art, or dance or private practice sessions in preparation for competitive events, such as in figure skating or gymnastics; and

10. An interview with a prospective employer or with an admissions officer of an institution of higher education.

C. Late Arrival

1. The parent(s) or legal guardian(s) or adult student shall submit a written request for approval of a late arrival to the Principal. The request must include the reason for the student's late arrival and a statement of why it is necessary to delay the student's arrival at school.

2. A student who arrives late at school shall report to the Main office office and pick up a late arrival permission slip. The permission slip will include the date and the time of the student's arrival. The student will proceed to his/her assigned class and present the permission slip to the teaching staff member in charge, who will verify the date and time.

D. Early Dismissal Generally

1. The parent(s) or legal guardian(s) or adult student shall submit a written request for approval of an early dismissal to the Main office. The request must include the reason for the student's early dismissal and a statement of why it is necessary to excuse the student before the end of the student's school day.

2. A student must obtain an approved early dismissal permission slip from the Main office and present the slip to the teaching staff member in charge of the class or activity from which the student is to be dismissed. The permission slip will include the date and time of approved dismissal. The teaching staff member in charge must verify the date and time.

E. Early Dismissal for Illness or Injury

1. A student who suffers a significant illness or injury during the course of the school day will be treated in accordance with Policy and Regulation No. 8441.

2. A student who suffers a minor illness or injury will be sent to the school nurse. If the nurse's office is unattended, the student should report to the Principal's office.

3. If the school nurse determines that an elementary student should be sent home, the student's parent(s) or legal guardian(s) or the responsible adult designated by the parent(s) or legal guardian(s) will be telephoned to pick up the student.

4. No student shall be released from school before the end of the school day except in the presence of the student's parent(s) or legal guardian(s) or an agent of the parent(s) or legal guardian(s).

F. Early Dismissal for Family Emergency

1. A student's parent(s) or legal guardian(s), or caretaker may request the student's early release for a bona fide family emergency. Early dismissal for family emergency must be approved by the Principal.

2. A student will be released to a parent(s) or legal guardian(s) who reports to the school office and explains satisfactorily to the Principal that good and sufficient reason justifies the student's release from school before the end of the student's school day.

3. A student will be released to an agent of the parent(s) or legal guardian(s) provided the parent(s) or legal guardian(s), or a caretaker personally known to the Principal has requested the student's release by:

   a. Written request signed by the parent(s) or legal guardian(s), or caretaker and verified by telephone call to the signer, or

   b. A telephone call that is verified by a return telephone call to the student's residence or, if the call does not originate in the student's home, by interrogation of the caller to test his/her knowledge of specific facts about the student.

4. The Principal shall verify the identity of the agent to whom the student is released by examination of documents or by verification of characteristics supplied by the parent(s) or legal guardian(s), or caretaker.

5. If the Principal believes that a genuine emergency may exist but cannot verify the identity of the person who requests release of the student, the Principal shall arrange for the student's transportation by a school staff member directly to the custody of the parent(s) or legal guardian(s), or designated agent of the parent or legal guardian.

6. The Principal shall maintain a record of each student's parent(s) or legal guardian(s). The record shall include any legally sufficient notice given the Principal by a parent(s) or legal guardian(s) in sole custody that the noncustodial parent's access to the student has been limited. In the absence of such notice, the Principal shall presume that the student may be released into the care of either parent(s) or legal guardian(s).

Issued: 27 August 2020

R 5300 AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)

A. Automated External Defibrillator (AED)

1. Every school in the school district shall have an AED as defined in N.J.S.A. 2A:62A-24.

2. For the purposes of this Policy and Regulation, "automated external defibrillator" or "defibrillator" or "AED" means a medical device heart monitor and defibrillator that:

   a. Has received approval of its pre-market notification filed pursuant to 21U.S.C.§360(k) from the United States Food and Drug Administration;

   b. Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed; and

   c. Upon determining that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

B. Location and Availability of AED

1. The AED shall be made available in an unlocked location on school property with an appropriate identifying sign.

2. The AED shall be accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the school district are participating.

3. The AED shall be within reasonable proximity of the school athletic field or gymnasium, as applicable.

C. Training Requirements for Using an AED

1. A team coach, licensed athletic trainer, or other designated staff member if there is no coach or licensed athletic trainer, who is present during athletic events or team practices, shall be trained in cardio-pulmonary resuscitation and the use of the AED in accordance with the provisions of N.J.S.A. 2A:62A-25.a.

a. The school district shall be deemed to be in compliance with this requirement if a State-certified emergency services provider or other certified first responder is on site at the event or practice.

2. Prior to using an AED a school employee must have successfully completed and hold a current certification from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and the use of an AED.

a. The Board of Education shall not be liable for any act or omission of any lay person who uses the defibrillator in the rendering of emergency care.

3. Each AED shall be maintained and tested according to the manufacturer's operational guidelines.

4. The Principal or designee shall notify the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider that the school has acquired an AED, the type acquired, and its location.

5. Prior to purchasing an AED, the Superintendent or designee will provide the prescribing licensed physician with documentation that the school district has a protocol in place to comply with the requirements of 2., 3., and 4. above.

D. Immunity from Civil Liability

1. Any person who uses an AED shall request emergency medical assistance from the appropriate first aid, ambulance, or rescue squad as soon as practicable. However, a lay person who, in good faith, fails to request such emergency medical assistance shall be immune from civil liability for any personal injury that results from that failure.

2. The school district and its employees shall be immune from civil liability in the acquisition and use of AEDs pursuant to the provisions of N.J.S.A. 2A:62A-27.

a. Any person or entity who, in good faith, acquires or provides an AED, renders emergency care or treatment by the use of an AED, assists in or supervises the emergency care or treatment by the use of an AED, attempts to use an AED for the purpose of rendering emergency care or

treatment, and who has complied with the requirements of Policy and Regulation 5300, N.J.S.A. 18A:40-41.a and b, and N.J.S.A. 2A:62A-23 through 2A:62A-27 shall be immune from civil liability for any personal injury as a result of that care or treatment, or as a result of any acts or omissions by the person or entity in providing, rendering, assisting in, or supervising the emergency care or treatment.

b. A person or entity providing or maintaining an AED shall not be liable for any act or omission involving the use of an AED in the rendering of emergency care by a lay person.

3. The immunity provided in 2. above shall include the prescribing licensed physician and the person or entity who provided training in cardio-pulmonary resuscitation and use of the AED.

4. N.J.S.A. 2A:62A-27 shall not immunize a person for any act of gross negligence or willful or wanton misconduct. It shall not be considered gross negligence or willful or wanton misconduct to fail to use a defibrillator in the absence of an otherwise pre-existing duty to do so.

E. Emergency Action Plan

1. The Superintendent or designee shall establish and implement an Emergency Action Plan applicable to each school in the district for responding to a sudden cardiac event including, but not limited to, an event in which the use of an AED may be necessary.

a. The Emergency Action Plan shall be consistent with the provisions of N.J.S.A. 18A:40-41.a and, at a minimum, shall include a list of no less than five school employees, team coaches, or licensed athletic trainers in each school building who hold current certifications from the American Red Cross, American Heart Association, or other training programs recognized by the Department of Health and Senior Services in cardio-pulmonary resuscitation and in the use of the AED. This list shall be updated, if necessary, at least once in each semester of the school year.

b. The Emergency Action Plan shall also include detailed procedures on responding to a sudden cardiac event including, but not limited to:

(1) The identification of the persons in the school who will be responsible for responding to the person experiencing the sudden cardiac event;

(2) Calling 911;

(3) Starting cardio-pulmonary resuscitation;

(4) Retrieving and using the AED; and

(5) Assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

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R 5306 HEALTH SERVICES TO NONPUBLIC SCHOOLS

A. A Board of Education having nonpublic schools within the school district boundaries shall provide nursing services to students enrolled in a nonpublic school pursuant to N.J.S.A. 18A:40-23 et seq. and N.J.A.C. 6A:16-2.5.

1. The school district shall provide services to students who are enrolled full-time;

2. Services shall be made available only to students of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year;

3. The provision of nursing services shall include:

   a. Assistance with medical examinations including dental screening;

   b. Screening of hearing;

   c. Maintenance of student health records and notification of local or county health officials of any student who has not been properly immunized; and

   d. Scoliosis examinations of students between the ages of ten and eighteen.

B. The Board of Education shall provide for the extension of emergency care provided to public school students and to full-time nonpublic school students who are injured or become ill at school or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-2.1(a)4.

C. The Board of Education may provide additional services to those required under A. above under the following conditions:

1. Additional medical services may be provided only when all basic nursing services required under A. and B. above have been or will be provided;

2. Additional medical services may include the necessary equipment, materials, and services for immunizing from diseases for students who are enrolled full-time in the nonpublic school as required by N.J.A.C. 8:57-4;

3. Equipment comparable to that used in the school district may be purchased by the school district to loan without charge to the nonpublic school for the purpose of providing services under N.J.A.C. 6A:16-2.5. However, such equipment shall remain the property of the district Board of Education; and

4. Costs of supplies comparable to that used in the school district and transportation costs may be charged to the funds allocated for each participating nonpublic school provided the costs are directly related to the required basic nursing services and the permitted additional medical services.

D. Nursing services shall be provided by a registered nurse licensed in the State of New Jersey who is an employee of the school district, a third-party contractor, or an independent contractor.

E. The nursing services provided to nonpublic school students shall not include instructional services.

F. A nonpublic school may decline nursing services required or permitted under N.J.A.C. 6A:16-2.5 by submitting to the Board of Education notification signed by the Superintendent of the nonpublic school pursuant to N.J.S.A. 18A:40-29.

G. A student who is enrolled in a nonpublic school and whose parent objects to the student receiving any service provided under N.J.A.C. 6A:16-2.5 shall not be compelled to receive the service except for a physical or medical examination to determine whether the student is ill or infected with a communicable disease pursuant to N.J.S.A. 18A:40-30.

H. The Board of Education shall consider the provision of health services based upon the following:

1. The funding for services shall be based upon the nonpublic school enrollment on the last school day prior to October 16 of the preceding school year;

2. The provision of services shall be only to a student of a nonpublic school that provided to the Board of Education a report of the type and number of services provided during the previous school year; and

3. The funds expended by the Board of Education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.

I. The Superintendent or designee shall confer annually with the administrator of the nonpublic school for the following purposes:

1. To advise the nonpublic school of the amount of funds allocated to it by the Department of Education or otherwise made available by the school district for the provision of health services for full-time students enrolled in the nonpublic school;

2. To agree on the basic health services that shall be provided and the additional medical services that may be provided as set forth in N.J.S.A.18A:40-23 et seq.;

3. If the Superintendent or designee and the nonpublic school administrator cannot reach agreement regarding the health services and additional medical services to be provided, the County Office of Education shall provide assistance;

4. To assure that each nonpublic school that receives nursing services has a copy of N.J.S.A. 18A:40-23 through 31 and N.J.A.C. 6A:16-2; and

5. To assure that a description of the provision of nursing services is reflected in the school district's Nursing Services Plan.

J. For the purposes of monitoring and recordkeeping, the Board of Education providing health services to nonpublic schools shall submit to the Executive County Superintendent on or before October 1 annually the following information and shall provide a copy to the Superintendent of each nonpublic school within school district boundaries:

1. A written statement verifying that the required conference was held with the nonpublic school;

2. A copy of the contract with another agency to provide services, if applicable, and approved minutes of the Board of Education meeting approving the contract that describes the methods by which the health services will be provided to nonpublic school students for the ensuing year, including a rationale for the distribution of funds; and

3. A description of the type and number of services that were provided during the previous school year on a Commissioner of Education approved form.

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R 5308 STUDENT HEALTH RECORDS

Student health records shall be maintained for each student pursuant to N.J.A.C. 6A:16-2.4. Maintenance and security of student health records shall be in accordance with N.J.A.C. 6A:32-7.4.

A. Mandated Student Health Records

1. The following mandated student health records shall be maintained:

   a. Findings of health histories, medical examinations, and health screenings pursuant to N.J.A.C. 6A:16-2.2 and 4.3; and

   b. Documentation of immunizations against communicable diseases or exemption from these immunizations pursuant to N.J.A.C. 8:57-4.1, 4.3, and 4.4.

2. The district will document the findings of student health histories, health screenings, and required medical examinations that are relevant to school participation on the student's health record using a form approved by the Commissioner of Education.

B. Maintenance of Student Health Records

1. The school district shall maintain student health records in accordance with N.J.A.C. 6A:32-7.4 as follows:

   a. Student health records may be stored electronically or in paper format. When records are stored electronically, proper security and backup procedures shall be administered;

   b. Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record; and

   c. Student health records shall be accessible during the hours in which the school program is in operation.

C. Transferring Student Health Records

The school district shall ensure compliance with the requirements of N.J.A.C. 6A:32-7 – Student Records and Policy and Regulation 8330 when transferring student health records.

D. Restrictions for Sharing Student Health Information

1. Any Board of Education employee with knowledge of, or access to, the following health information shall comply with restrictions for sharing information as required by Federal and State statutes and regulations.

   a. Information that identifies a student as having HIV infection or AIDS shall be shared only with prior written informed consent of the student age twelve or greater, or of the student's parent as required by N.J.S.A. 26:5C-1 et seq. and only for the purpose of determining an appropriate educational program for the student.

   b. Information obtained by the school's alcohol and other drug program which would identify the student as an alcohol or other drug user may be disclosed only for those purposes and under those conditions permitted by 42 CFR Part 2.

   c. Information provided by a secondary school student while participating in a school-based alcohol or other drug counseling program that indicates a parent, guardian, or other person residing in the student's household is dependent upon or illegally using a substance shall be shared only for those purposes and conditions permitted by N.J.S.A. 18A:40A-7.1.

E. Access to Student Health Records

1. Access to and disclosure of information in the student's health record shall meet the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g and 34 CFR Part 99, incorporated herein by reference, as amended and supplemented, and N.J.A.C. 6A:32-7 et seq., Student Records.

2. The school district shall provide access to the student health records to licensed medical personnel not holding educational certification who are working under contract with or as employees of the school district only to the extent necessary to enable the licensed medical personnel to perform their duties.

a. Secretarial or clerical personnel under the supervision of the certified school nurse shall be permitted access to those portions of the student's health record necessary for entry and recording of data and for conducting routine clerical tasks as outlined in N.J.S.A. 18A:40-3.4 and N.J.A.C. 6A:32-7.5.

Nothing in N.J.A.C. 6A:16-2.4 or in Policy and Regulation 5308 shall be construed to prohibit school personnel from disclosing to students or adults in connection with an emergency the information contained in the student health record if the release is necessary to protect the immediate health or safety of the student or other persons pursuant to N.J.A.C. 6A:32-7.4.

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R 5310 HEALTH SERVICES

A. Definitions – N.J.A.C. 6A:16-1.3

1. Advanced practice nurse (APN) – means a person who holds a current license as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

2. Certified school nurse – means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Certificate, school nurse or school nurse/non-instructional endorsement from the Department of Education pursuant to N.J.A.C. 6A:9B-12.3 and 12.4.

3. Medical home – means a health care provider, including New Jersey FamilyCare providers as defined by N.J.S.A. 30:4J-12 and the provider's practice site chosen by the student's parent for the provision of health care.

4. Non-certified nurse – means a person who holds a current license as a professional nurse from the State Board of Nursing and is employed by a Board of Education or nonpublic school, and who is not certified as a school nurse by the Department of Education.

5. Parent – means the natural parent(s), adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.

6. Physician assistant (PA) – means a health care professional licensed to practice medicine with physician supervision.

7. Physical examination – means the examination of the body by a professional licensed to practice medicine or osteopathy, or an advanced practice nurse, or physician assistant. The term includes specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2.

8. School physician – means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Examiners who works under a contract or as an employee of the school district. The physician is also referred to as the medical inspector as per N.J.S.A. 18A:40-1.

B. Medical Examinations – General Conditions

1. Each student medical examination shall be conducted at the medical home of the student. If a student does not have a medical home, the school district shall provide the examination at the school physician's office or other comparably equipped facility pursuant to N.J.S.A. 18A:40-4.

2. The findings of required examinations under D. through G. below shall include the following components:

   a. Immunizations pursuant to N.J.A.C. 8:57-4.1 through 4.24;

   b. Medical history, including allergies, past serious illnesses, injuries, operations, medications, and current health problems;

   c. Health screenings including height, weight, hearing, blood pressure, and vision; and

   d. Physical examinations.

3. Each school shall have available and maintain an automated external defibrillator (AED), pursuant to N.J.S.A. 18A:40-41a.a(1) and (3), that is:

   a. In an unlocked location on school property, with an appropriate identifying sign;

   b. Accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place in which students of the school district or nonpublic school are participating; and

   c. Within a reasonable proximity of the school athletic field or gymnasium, as applicable.

4. The Board of Education shall make accessible information regarding the New Jersey FamilyCare Program for students who are knowingly without medical coverage pursuant to N.J.S.A. 18A:40-34.

5. Pursuant to N.J.S.A. 18A:40-4.4, a student who presents a statement signed by his/her parent that required examinations interfere with the free exercise of his/her religious beliefs shall be examined only to the extent necessary to determine whether the student is ill or infected with a communicable disease or under the influence of alcohol or drugs or is disabled or is fit to participate in any health, safety, or physical education course required by law.

6. Information concerning a student's HIV/AIDS status shall not be required as part of the medical examination or health history pursuant to N.J.S.A. 26:5C-1 et seq.

C. Medical Examinations - Prior to Participation on a School-Sponsored Interscholastic or Intramural Team or Squad for Students Enrolled in Any Grades Six to Eight

1. The school district shall ensure that students receive medical examinations prior to participation on a school-sponsored interscholastic or intramural team or squad for students enrolled in any grades six to eight. The examination shall be conducted within 365 days prior to the first day of official practice session in an athletic season and shall be conducted by a licensed physician, APN, or PA.

2. The physical examination shall be documented using the Preparticipation Physical Evaluation (PPE) form developed jointly by the American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine and is available online at http://www.state.nj.us/education/students/safety/health/records/athleticphysicalsform.pdf in accordance with N.J.S.A. 18A:40-41.7.

a. Prior to performing a preparticipation physical examination, the licensed physician, APN, or PA who performs the student-athlete's physical examination shall complete the Student-Athlete Cardiac Screening professional development module and shall sign the certification statement on the PPE form attesting to the completion, pursuant to N.J.S.A. 18A:40-41d.

(1) If the PPE form is submitted without the signed certification statement and the school district has confirmed that the licensed physician, APN, or PA from the medical home did not complete the module, the student-athlete's parent may obtain a physical examination from a physician who can certify completion of the module or request that the school physician provides the examination.

b. The medical report shall indicate if a student is allowed or not allowed to participate in the required sports categories and shall be completed and signed by the original examining physician, APN, or PA.

c. An incomplete form shall be returned to the student's medical home for completion unless the school nurse can provide documentation to the school physician that the missing information is available from screenings completed by the school nurse or physician within the prior 365 days.

3. Each student whose medical examination was completed more than ninety days prior to the first day of official practice in an athletic season shall provide a health history update questionnaire completed and signed by the student's parent. The completed health history update questionnaire shall include information listed below as required by N.J.S.A. 18A:40-41.7.b. The completed health history update questionnaire shall be reviewed by the school nurse and, if applicable, the school athletic trainer and shall include information as to whether, in the time period since the date of the student's last preparticipation physical examination, the student has:

   a. Been advised by a licensed physician, APN, or PA not to participate in a sport;

   b. Sustained a concussion, been unconscious, or lost memory from a blow to the head;

   c. Broken a bone or sprained, strained, or dislocated any muscles or joints;

   d. Fainted or blacked out;

   e. Experienced chest pains, shortness of breath, or heart racing;

   f. Had a recent history of fatigue and unusual tiredness;

   g. Been hospitalized, visited an emergency room, or had a significant medical illness;

   h. Started or stopped taking any over the counter or prescribed medications; or

   i. Had a sudden death in the family, or whether any member of the student's family under the age of fifty has had a heart attack or heart trouble.

4. The school district shall provide to the parent written notification signed by the school physician stating approval of the student's participation in athletics based upon the medical report or the reasons for the school physician's disapproval of the student's participation.

5. The Board of Education will not permit a student enrolled in grades six to eight to participate on a school-sponsored interscholastic or intramural team or squad unless the student submits a PPE form signed by the licensed physician, APN, or PA who performed the physical examination and, if applicable, a completed health history update questionnaire, pursuant to N.J.S.A. 18A:40-41.7.c.

6. The school district shall distribute to a student-athlete and his or her parent the sudden cardiac arrest pamphlet developed by the Commissioner of Education, in consultation with the Commissioner of Health, the American Heart Association, and the American Academy of Pediatrics, pursuant to N.J.S.A. 18A:40-41.

   a. A student-athlete and his or her parent annually shall sign the Commissioner-developed form that they received and reviewed the pamphlet, and shall return it, to the student's school pursuant to N.J.S.A. 18A:40-41.d.

   b. The Commissioner shall update the pamphlet, as necessary, pursuant to N.J.S.A. 18A:40-41.b.

   c. The Commissioner shall distribute the pamphlet, at no charge, to all school districts and nonpublic schools, pursuant to N.J.S.A. 18A:40-41.b.

D. Medical Examinations - Upon Enrollment in School

1. The school district shall ensure that students receive medical examinations upon enrollment in school. The school district requires a parent to provide within thirty days of enrollment entry-examination documentation for each student.

2. When a student transfers to another school, the sending school district shall ensure the entry-examination documentation is forwarded to the receiving school district pursuant to N.J.A.C. 6A:16-2.4(d).

3. Students transferring into this school district from out-of-State or out-of-country may be allowed a thirty-day period to obtain entry-examination documentation.

4. The school district shall notify parents through its website or other means about the importance of obtaining subsequent medical examinations of the student at least once during each developmental stage: at early childhood (pre-school through grade three), pre-adolescence (grades four through six), and adolescence (grades seven through twelve).

E. Medical Examinations - When Students Apply for Working Papers

1. Pursuant to N.J.S.A. 34:2-21.7 and 34:2-21.8(3) the school district may provide for the administration of a medical examination for a student pursuing a certificate of employment.

2. The school district shall not be held responsible for the costs for examinations at the student's medical home or other medical provider(s).

F. Medical Examinations - For the Purposes of the Comprehensive Child Study Team Evaluation Pursuant to N.J.A.C. 6A:14-3.4

1. The school district shall ensure that students receive medical examinations for the purposes of the comprehensive Child Study Team evaluation pursuant to N.J.A.C. 6A:14-3.4.

G. Medical Examinations - When a Student is Suspected of Being Under the Influence of Alcohol or Controlled Dangerous Substances pursuant to N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3

1. If a student who is suspected of being under the influence of alcohol or controlled dangerous substances is reported to the certified school nurse, the certified school nurse shall monitor the student's vital signs and general health status for emergent issues and take appropriate action pending the medical examination pursuant to N.J.A.C. 6A:16-4.3.

2. No school staff shall interfere with a student receiving a medical examination for suspicion of being under the influence of alcohol or controlled dangerous substances pursuant to N.J.A.C. 6A:16-4.3.

H. Health Screenings

The Board of Education shall ensure that students receive health screenings in accordance with N.J.A.C. 6A:16-2.2(l).

1. Screening for height, weight, and blood pressure shall be conducted annually for each student in Kindergarten through grade eight.

2. Screening for visual acuity shall be conducted biennially for students in Kindergarten through grade eight.

3. Screening for auditory acuity shall be conducted annually for students in Kindergarten through grade three and in grade seven pursuant to N.J.S.A. 18A:40-4.

4. Screening for scoliosis shall be conducted biennially for students between the ages of ten and eighteen pursuant to N.J.S.A. 18A:40-4.3.

5. Screenings shall be conducted by a school physician, school nurse, or other school personnel properly trained.

6. The school district shall notify the parent of any student suspected of deviation from the recommended standard.

Issued: 27 August 2020

R 5320 IMMUNIZATION

A. Proof of Immunization (N.J.A.C. 8:57-4.2)

1. The Principal or designee shall not knowingly admit or retain any child whose parent has not submitted acceptable evidence of the child's immunization according to the schedule(s) set forth in N.J.A.C. 8:57 et seq. and section I. of this Regulation, unless the student is provisionally admitted as provided in paragraph B.1. below or exempted as provided in section C. and D. of this Regulation and N.J.A.C. 8:57-4.3and 8:57-4.4.

B. Provisional Admission (N.J.A.C. 8:57-4.5)

1. A student shall be admitted to school on a provisional basis if a physician, an advanced practice nurse, (a certified registered nurse practitioner or clinical nurse specialist) or health department can document that at least one dose of each required age-appropriate vaccine(s) or antigen(s) has been administered and that the student is in the process of receiving the remaining immunizations.

2. Provisional admission for children under age five shall be granted in compliance with the specific requirements set forth in N.J.A.C. 8:57-4.10 through 4.15 and 4.18 for a period of time consistent with the current Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service or the American Academy of Pediatrics (AAP) immunization schedule, but shall not exceed seventeen months for completion of all immunization requirements.

3. Provisional admission for children five years of age or older shall be granted in compliance with the specific requirements set forth in N.J.A.C. 8:57-4.10 through 4.14 and 4.16 for a period of time consistent with the current Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service or the American Academy of Pediatrics (AAP) immunization schedule, but shall not exceed one year for completion of all immunization requirements.

4. Provisional status shall only be granted one time to children entering or transferring into schools in New Jersey. If a student on provisional status transfers, information on their status will be sent by the original school to the new school pursuant to N.J.A.C. 8:57-4.7(b).

5. Children transferring into this district from out-of-State or out-of-country shall be allowed a thirty day grace period in order to obtain past immunization documentation before provisional status shall begin. The thirty day grace period does not apply to students transferring into this school district from within the State of New Jersey.

6. The school district shall ensure that the required vaccine/antigens are being received on schedule. If at the end of the provisional admission period the child has not completed the required immunizations, the administrative head of the school, preschool, or child care center shall exclude the child from continued school attendance until appropriate documentation has been presented.

7. Students on provisional status may be temporarily excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or designee in accordance with the provisions of N.J.A.C. 8:57-4.5.

C. Medical Exemptions (N.J.A.C. 8:57-4.3)

1. A child shall not be required to have any specific immunization(s) which are medically contraindicated.

2. A written statement submitted to the school from a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner or clinical nurse specialist) in any jurisdiction in the United States indicating that an immunization is medically contraindicated for a specific period of time, and the reasons for the medical contraindication, based on valid medical reasons as enumerated by the ACIP standards or the AAP guidelines, will exempt a student from the specific immunization requirements by law for the stated period of time.

3. The physician's or an advanced practice nurse's (certified registered nurse practitioner or clinical nurse specialist) statement shall be retained by the school as part of the child's immunization record and shall be reviewed annually. When the child's medical condition permits immunization, this exemption shall thereupon terminate, and the child shall be required to obtain the immunization(s) from which he/she has been exempted.

4. Those children with medical exemptions to receiving specific immunizations may be excluded from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the New Jersey Commissioner, Department of Health and Senior Services or designee.

5. As provided by N.J.S.A. 26:4-6, the school district may, on account of the prevalence of any communicable disease, or to prevent the spread of communicable diseases, prohibit the attendance of any school district teacher or student and specify the time during which the teacher or student shall remain away from school.

a. The Department of Health and Senior Services shall provide guidance to the school district on the appropriateness of any such prohibition.

b. The school district shall comply with the provisions of N.J.A.C. 8:61-2.1 regarding attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV).

D. Religious Exemptions (N.J.A.C. 8:57-4.4)

1. A child shall be exempted from mandatory immunization if the child's parent submits to the school a written, signed statement requesting an exemption pursuant to the requirements of religious exemptions established at N.J.S.A. 26:1A-9.1, on "the ground that the immunization interferes with the free exercise of the pupil's religious rights."

a. The school district is prohibited from exempting a child from mandatory immunization on the sole basis of a moral or philosophical objection to immunization.

2. The written statement signed by the parent(s) will be kept by the school as part of the student's immunization record.

3. The school district may exclude children with religious exemptions from receiving immunization agents from school during a vaccine-preventable disease outbreak or threatened outbreak, as determined by the State Commissioner of Health and Senior Services or designee.

4. As provided by N.J.S.A. 26:4-6, the school district may, on account of the prevalence of any communicable disease, or to prevent the spread of communicable diseases, prohibit the attendance of any school district teacher or student and specify the time during which the teacher or student shall remain away from school.

a. The Department of Health and Senior Services shall provide guidance to the school district on the appropriateness of any such prohibition.

b. The school district shall comply with the provisions of N.J.A.C. 8:61-2.1 regarding attendance at school by students or adults infected by Human Immunodeficiency Virus (HIV).

E. Accepted as Evidence of Immunization (N.J.A.C. 8:57-4.6)

1. The following documents shall be accepted as evidence of a child's immunization history provided that the type of immunization and the date when each immunization was administered is listed.

   a. An official school record from any school or preschool indicating compliance with immunization requirements of N.J.A.C. 8:57-4.1 et seq.;

   b. A record from any public health department indicating compliance with immunization requirements of N.J.A.C. 8:57-4.1 et seq.;

   c. A certificate signed by a physician licensed to practice medicine or osteopathy or an advanced practice nurse (certified registered nurse practitioner, or clinical nurse specialist) in any jurisdiction in the United States indicating compliance with immunization requirements of N.J.A.C. 8:57-4.1 et seq.; or

   d. The official record of immunization from the New Jersey Immunization Information System indicating compliance with immunization requirements of N.J.A.C. 8:57-4.1 et seq.

2. All immunization records submitted by a parent in a language other than English shall be accompanied by a translation sufficient to determine compliance with the immunization requirements of N.J.A.C. 8:57-4.1 et seq. and this Regulation.

3. Laboratory evidence of protective immunity, as enumerated by the Advisory Committee on Immunization Practices (ACIP) of the United States Public Health Service, shall be accepted as evidence of immunization if a parent cannot produce a documented history of immunization.

4. Parental verbal history or recollection of previous immunization is unacceptable documentation or evidence of immunization.

F. Records Required (N.J.A.C. 8:57-4.7)

1. The school district shall maintain an official State of New Jersey School Immunization Record for every student. This record shall include the date of each individual immunization and shall be separated from the child's educational record and other medical records for the purpose of immunization record audit.

2. If a child withdraws, is promoted, or transfers to another school district, the immunization record, or a certified copy thereof, along with statements pertaining to religious or medical exemptions and laboratory evidence of immunity, shall be sent to the new school district by the original school district or shall be given to the parent upon request, within twenty-four hours of such a request.

3. Parental verbal history or recollection of previous immunization is unacceptable documentation or evidence of immunization.

4. When a child graduates from secondary school, the record, or a certified copy thereof, shall be sent to an institution of higher education or may be given to the parent(s) upon request.

5. Each child's official New Jersey Immunization Record, or a certified copy thereof, shall be retained by a secondary school for a minimum of four years after the student has left the school. Each child's official New Jersey Immunization Record, or a copy thereof, shall be retained by an elementary school for a minimum of one year after the child has left the school.

6. Any computer-generated document or list developed by the school district to record immunization information shall be considered a supplement to, not a replacement of, the official New Jersey School Immunization Record.

G. Reports to be Sent to the Department of Health and Senior Services (N.J.A.C. 8:57-4.8)

1. A report of the immunization status of the students in each school shall be sent each year to the State Department of Health and Senior Services by the Principal or designee through mail or submitted electronically in accordance with N.J.A.C. 8:57-4.8(a).

2. The form for the report will be provided by the New Jersey Department of Health and Senior Services.

3. The report shall be submitted by January 1 of the respective academic year after a review of all appropriate immunization records.

4. A copy of this report shall be sent to the local Board of Health in whose jurisdiction the school is located.

5. If the school does not submit the annual report by January 1 it shall be considered delinquent. A delinquency may be referred to the New Jersey Department of Education or the New Jersey Department of Children and Families, as appropriate based on the length of time delinquent, number of times delinquent, and efforts made toward compliance. The local health department will also be notified of the delinquency.

H. Records Available for Inspection (N.J.A.C. 8:57-4.9)

1. The Principal or designee of each school shall maintain records of their children's immunization status. Upon twenty-four hour notice, these records shall be made available for inspection by authorized representatives of the New Jersey Department of Health and Senior Services or the local Board of Health in whose jurisdiction the school is located.

MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School		
DISEASE(S)	REQUIREMENTS	COMMENTS
DTaP N.J.A.C. 8:57-4.10	(AGE 1-6 YEARS): 4 doses, with one dose given on or after the 4th birthday, OR any 5 doses. (AGE 7-9 YEARS): 3 doses of Td or any previously administered combination of DTP, DTaP, and DT to equal 3 doses.	Any child entering pre-school, pre-Kindergarten, or Kindergarten needs a minimum of four doses. Students after the seventh birthday should receive adult type Td. DTP/Hib vaccine and DTaP also valid DTP doses. Children 7 years of age and older, who have not been previously vaccinated with the primary DTaP series, should receive 3 doses of Tetanus, diphtheria (Td) Laboratory evidence of immunity is also acceptable.
Tdap N.J.A.C. 8:57-4.10	GRADE 6 *(or comparable age level special education program with an unassigned grade)*: 1 dose	A child does not need a Tdap dose until FIVE years after the last DTP/DTaP or Td dose.

POLIO N.J.A.C. 8:57-4.11	(AGE 1-6 YEARS): 3 doses, with one dose given on or after the 4th birthday, OR any 4 doses. (AGE 7 or OLDER): Any 3 doses.	Either Inactivated Polio Vaccine (IPV) or Oral Polio Vaccine (OPV) separately or in combination is acceptable. Polio vaccine is not required of students 18 years of age or older. Laboratory evidence of immunity is also acceptable.
MEASLES N.J.A.C. 8:57-4.12	If born on or after 1-1-90, 2 doses of a live Measles-containing vaccine.	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs a minimum of 1 dose of measles vaccine. Any child entering Kindergarten needs 2 doses. Intervals between first and second measles/MMR/MR doses cannot be less than 1 month.
RUBELLA and MUMPS N.J.A.C. 8:57-4.13 N.J.A.C. 8:57-4.14	1 dose of live Mumps-containing vaccine on or after 1st birthday. 1 dose of live Rubella-containing vaccine on or after 1st birthday.	Any child over 15 months of age entering child care, pre-school, or pre-Kindergarten needs 1 dose of rubella and mumps vaccine. Laboratory evidence of immunity is also acceptable.

MINIMAL IMMUNIZATION REQUIREMENTS FOR SCHOOL ATTENDANCE IN NEW JERSEY N.J.A.C. 8:57-4: Immunization of Pupils in School		
DISEASE(S)	REQUIREMENTS	COMMENTS
VARICELLA N.J.A.C. 8:57-4.17	1 dose on or after the first birthday.	All children 19 months of age and older enrolled into a child care/pre-school center after 9-1-04 or children born on or after 1-1-98 entering a school for the first time in Kindergarten, Grade 1, or comparable age entry level special education program with an unassigned grade, need 1 dose of varicella vaccine. Laboratory evidence of immunity, physician's statement or a parental statement of previous varicella disease is also acceptable.
HAEMOPHILUS INFLUENZAE B (Hib) N.J.A.C. 8:57-4.15	(AGE 2-11 MONTHS)[(1)]: 2 doses (AGE 12-59 MONTHS)[(2)]: 1 dose	Mandated only for children enrolled in child care, pre-school, or pre-Kindergarten. [(1)] Minimum of 2 doses of Hib vaccine is needed if between the ages of 2-11 months. [(2)] Minimum of 1 dose of Hib vaccine is needed after the first birthday. DTP/Hib and Hib/Hep B also valid Hib doses.
HEPATITIS B N.J.A.C. 8:57-4.16	(K-GRADE 12): 3 doses or 2 doses [(1)]	[(1)] If a child is between 11-15 years of age and has not received 3 prior doses of Hepatitis B then the child is eligible to receive 2-dose Hepatitis B Adolescent formulation. Laboratory evidence of immunity is also acceptable.

PNEUMOCOCCAL N.J.A.C. 8:57-4.18	(AGE 2-11 MONTHS)[1]: 2 doses (AGE 12-59 MONTHS)[2]: 1 dose	Children enrolled in child care or pre-school on or after 9-1-08. [1] Minimum of 2 doses of Pneumococcal vaccine is needed if between the ages of 2-11 months. [2] Minimum of 1 dose of Pneumococcal vaccine is needed on or after the first birthday.
MENINGOCOCCAL N.J.A.C. 8:57-4.20	(Entering GRADE 6 *(or comparable age level Special Ed program with an unassigned grade)*: 1 dose [1] (Entering a four-year college or university, previously unvaccinated and residing in a campus dormitory): 1 dose [2]	[1] For students entering Grade 6 on or after 9-1-08 and born on or after 1-1-97. [2] Previously unvaccinated students entering a four-year college or university after 9-1-04 and who reside in a campus dormitory, need 1 dose of meningococcal vaccine. Documentation of one prior dose is acceptable.
INFLUENZA N.J.A.C. 8:57-4.19	(AGES 6-59 MONTHS): 1 dose ANNUALLY	For children enrolled in child care, pre-school or pre-Kindergarten on or after 9-1-08. 1 dose to be given between September 1 and December 31 of each year.

AGE APPROPRIATE VACCINATIONS (FOR LICENSED CHILD CARE CENTERS/PRE-SCHOOLS)	
CHILD'S AGE	NUMBER OF DOSES CHILD SHOULD HAVE (BY AGE):
2-3 Months	1 dose DTaP, 1 dose Polio, 1 dose Hib, 1 dose PCV7
4-5 Months	2 doses DTaP, 2 doses Polio, 2 doses Hib, 2 doses PCV7
6-7 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
8-11 Months	3 doses DTaP, 2 doses Polio, 2-3 doses Hib, 2-3 doses PCV7, 1 dose Influenza
12-14 Months	3 doses DTaP, 2 doses Polio, 1 dose Hib, 2-3 doses PCV7, 1 dose Influenza
15-17 Months	3 doses DTaP, 2 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose PCV7, 1 dose Influenza
18 Months – 4 Years	4 doses DTaP, 3 doses Polio, 1 dose MMR, 1 dose Hib, 1 dose Varicella, 1 dose PCV7, 1 dose Influenza

PROVISIONAL ADMISSION: Provisional admission allows a child to enter/attend school but must have a minimum of one dose of each of the required vaccines. Students must be actively in the process of completing the series. If a student is less than 5 years of age, they have 17 months to complete the immunization requirements. If a student is 5 years of age and older, they have 12 months to complete the immunization requirements.
GRACE PERIODS: • 4-day grace period: All vaccines doses administered less than or equal to four days before either the specified minimum age or dose spacing interval shall be counted as valid and shall not require revaccination in order to enter or remain in a school, pre-school or child care facility. • 30-day grace period: Those children transferring into a New Jersey school, pre-school, or child care center from out of State/out of country may be allowed a 30-day grace period in order to obtain past immunization documentation before provisional status shall begin.

I. Immunization Requirements

1. The immunization requirements for school age children shall be in accordance with the requirements of N.J.A.C. 8:57-4 – Immunization of Pupils in School as outlined below:

2. The immunization requirements outlined in I.1. above may be revised by Statute, administrative code, and/or the Commission of Health and Senior Services.

J. Emergency Powers of the Commissioner of Health and Senior Services

1. If an outbreak or threatened outbreak of disease or other public health immunization emergency exists, as determined by the State Commissioner of

   Health and Senior Services or designee, the State Commissioner or designee may issue either additional immunization requirements to control the outbreak or threat of an outbreak or modify immunization requirements to meet the emergency.

2. All children failing to meet the additional immunization requirements of N.J.A.C. 8:57-4.22 shall be excluded from school until the outbreak or threatened outbreak is over. These requirements shall remain in effect as outlined in J.3. below and N.J.A.C. 8:57-4.22(c).

3. These requirements or amendments shall remain in effect until such time as the Commissioner, Department of Health and Senior Services or designee determines that an outbreak or a threatened outbreak no longer exists or the emergency is declared over, or for three months after the declaration of the emergency whichever one comes first. The Commissioner, Department of Health and Senior Services or designee may declare a state of emergency if the emergency has not ended.

4. The Commissioner of Health and Senior Services or designee may temporarily suspend an immunization requirement for the particular immunization in accordance with the reasons outlined in N.J.A.C. 8:57-4.22(d).

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R 5330 ADMINISTRATION OF MEDICATION

A. Definitions

1. "Medication" means any prescription drug or over-the-counter medicine or nutritional supplement and includes, but is not limited to, aspirin and cough drops.

2. "Administration" means the taking of any medication by ingestion, injection, or application to any part of the body or the giving of direct physical assistance to the person who is ingesting, injecting, or applying medication.

3. "Self-administration" means carrying and taking medication without the intervention of the school nurse, approved through the school district policy and restricted to students with asthma, other potentially life-threatening illnesses, life-threatening allergic reaction, or adrenal insufficiency.

4. "Life-threatening illness" means an illness or condition that requires an immediate response to specific symptoms or sequelae (an after effect of disease or injury) that if left untreated may lead to potential loss of life.

5. "A pre-filled auto-injector mechanism containing epinephrine" is a medical device used for the emergency administration of epinephrine to a student for anaphylaxis.

6. "Noncertified nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by the district, and who is not certified as a school nurse by the New Jersey Department of Education (NJDOE).

7. "Substitute school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6A:9B-7.6.

8. "School physician" means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of the district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-4.1.

9. "Advanced practice nurse" means a person who holds a current license as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

10. "Certified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Certificate with a school nurse endorsement or school nurse/non-instructional from the Department of Education pursuant to N.J.A.C. 6A:9B-14.3 and 14.4.

B. Permission for Administration by a School Nurse or Registered Nurse

1. Permission for the administration of medication in school or at school-sponsored functions will be given only when it is necessary for the health and safety of the student.

2. Medication will not be administered to a student who is physically unfit to attend school or has a contagious disease. Any such student should not be permitted to attend school and may be excluded in accordance with Policy 8451.

3. Parent requests for the administration of medication in school must be made in writing and signed by the parent.

4. The parent must submit a certified statement written and signed by the student's physician. The statement must include:

a. The student's name;

b. The name of the medication;

c. The purpose of its administration to the student for whom the medication is intended;

d. The proper timing and dosage of medication;

e. Any possible side effects of the medication;

f. The time when the medication will be discontinued;

g. A statement that the student is physically fit to attend school and is free of contagious disease; and

h. A statement that the student would not be able to attend school if the medication is not administered during school hours.

5. The request for the administration of medication must be made to the Superintendent or designee prior to any administration of medication or delivery of the medication to the school. The Superintendent or designee may consult with the school nurse and the school physician in making his/her final determination to allow or deny the request.

a. An approved request will be signed by the Superintendent or designee and given to the school nurse and the student's parent.

b. The parent will be informed of a reason for a denied request.

C. Administration of Epinephrine to Students

1. In accordance with N.J.S.A. 18A:40-12.5, the parent may provide the Superintendent or designee authorization for the emergency administration of epinephrine via a pre-filled auto-injector mechanism containing epinephrine to a student for anaphylaxis provided:

a. The parent provides the Superintendent or designee a written authorization for the administration of epinephrine;

b. The parent of the student provides the Superintendent or designee with written orders from the physician or an advanced practice nurse that the student requires the administration of epinephrine for anaphylaxis;

c. The parent is informed in writing by the Board of Education or Superintendent or designee that the school district and its employees or agents shall have no liability as a result of any injury to a student arising from the administration of epinephrine via a pre-filled auto-injector mechanism;

d. The parent signs a statement acknowledging their understanding the district shall incur no liability as a result of any injury arising from the administration of epinephrine via a pre-filled auto-injector mechanism to the student and the parent shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of epinephrine via a pre-filled auto-injector mechanism to the student;

e. The permission for the emergency administration of epinephrine via a pre-filled auto-injector mechanism is effective for the school year it is granted and must be renewed for each subsequent school year upon the fulfillment of the requirements as outlined in a. through d. above;

f. The Superintendent or designee requires:

(1) The placement of the student's prescribed epinephrine to be in a secure but unlocked location easily accessible by the school nurse and trained designees to ensure prompt availability in the event of an allergic emergency at school or at a school-sponsored function. The location of the epinephrine shall be indicated on the student's emergency care plan. Back-up epinephrine shall also be available at the school if needed;

(2) The school nurse or trained designee to be promptly available on site at the school and school-sponsored functions in the event of an allergic reaction; and

(3) The transportation of the student to a hospital emergency room by emergency services personnel after the administration of epinephrine, even if the student's symptoms appear to have resolved.

g. The Superintendent or designee shall also:

(1) Permit the school nurse or trained designee to administer epinephrine via a pre-filled auto-injector mechanism to any student without a known history of anaphylaxis or to any student whose parent has not met the requirements outlined in Regulation 5330 – Section C.1.a., b., and d. and has not received the notice required in Regulation 5330 – Section C.1.c. when the school nurse or trained designee in good faith believes the student is having an anaphylactic reaction; and

(2) Require each school in the district to maintain in a secure, but unlocked and easily accessible location, a supply of epinephrine auto-injectors prescribed under a standing order from a licensed physician or advanced practice nurse, and is accessible to the school nurse and trained designees for administration to a student having an anaphylactic reaction.

2. In accordance with N.J.S.A. 18A:40-12.6, the school nurse shall have the primary responsibility for the administration of the epinephrine. The school nurse shall designate, in consultation with the Board of Education, additional employees of the school district who volunteer to administer epinephrine via a pre-filled auto-injector mechanism to a student for anaphylaxis when the nurse is not physically present at the scene. In the event that a licensed athletic trainer volunteers to administer epinephrine, it shall not constitute a violation of the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.).

   a. The school nurse shall determine that:

      (1) The designees have been properly trained in the administration of the epinephrine via a pre-filled auto-injector mechanism using standardized training protocols established by the NJDOE in consultation with the Department of Health;

      (2) The parent of the student consented in writing to the administration of the epinephrine via a pre-filled auto-injector mechanism by the designees;

      (3) The Board or Superintendent or designee has informed the parent of the student in writing that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of the epinephrine to the student;

      (4) The parent of the student signed a statement acknowledging their understanding the district shall have no liability as a result of any injury arising from the administration of the epinephrine via a pre-filled auto-injector mechanism to the student and the parent shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of the epinephrine via a pre-filled auto-injector mechanism to the student; and

      (5) The permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the requirements in subsections 2.a.(1) through 2.a.(4) above.

3. The NJDOE, in consultation with the Department of Health, shall require trained designees for students enrolled in a school who may require the emergency administration of epinephrine for anaphylaxis when the school nurse is not available.

4. Nothing in N.J.S.A. 18A:40-12.6 and Regulation 5330 – Section C. shall be construed to prohibit the emergency administration of epinephrine via a pre-filled auto-injector mechanism to a student for anaphylaxis by the school nurse or other employees designated pursuant to N.J.S.A. 18A:40-12.3(a)(1) when the student is authorized to self-administer epinephrine pursuant to N.J.S.A. 18A:40-12.3, or when there is a coexisting diagnosis of asthma, or when a prescription is received from a licensed health care professional for epinephrine coupled with another form of medication, or when the epinephrine is administered pursuant to N.J.S.A. 18A:40-12.5.f.

5. The certified school nurse, in consultation with the Superintendent or designee, shall recruit and train volunteer designees who are determined acceptable candidates by the school nurse within each school building as deemed necessary by the nursing services plan, in accordance with N.J.S.A. 18A:40-12.6c(b).

6. No school employee, including a school nurse, or any other officer or agent of a Board of Education, or a physician or an advanced practice nurse providing a prescription under a standing protocol for school epinephrine pursuant to N.J.S.A. 18A:40-12.5.f and Regulation 5330 – Section C.1.g., shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.5 et seq., nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person designated in good faith by the school nurse pursuant to N.J.S.A. 18A:40-12.6. Good faith shall not include willful misconduct, gross negligence, or recklessness.

D. Administration of Hydrocortisone Sodium Succinate to Students

1. In accordance with the provisions of N.J.S.A. 18A:40-12.29, the Board will permit the emergency administration of hydrocortisone sodium succinate through appropriate delivery devices and equipment to a student for adrenal insufficiency provided that:

   a. The parent of the student provides the Superintendent or designee a written authorization for the administration of hydrocortisone sodium succinate;

b. The parent of the student provides the Superintendent or designee written orders from the physician or an advanced practice nurse that the student requires the administration of hydrocortisone sodium succinate for adrenal insufficiency;

c. The Superintendent or designee informs the parent of the student in writing that the school district and its employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate;

d. The parent of the student signs a statement acknowledging their understanding that the district shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student and that the parent shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of hydrocortisone sodium succinate to the student; and

e. The permission for the administration of hydrocortisone sodium succinate is effective for the school year for which it is granted and must be renewed for each subsequent school year upon the fulfillment of the requirements as outlined in a. through d. above.

2. In accordance with the provisions of N.J.S.A. 18A:40-12.29.b:

a. The placement of the student's prescribed hydrocortisone sodium succinate shall be in a secure, but unlocked location easily accessible by the school nurse and trained designees to ensure prompt availability in the event of emergency situations at school or at a school-sponsored function. The location of the prescribed hydrocortisone sodium succinate shall be indicated on the student's emergency care plan. Back-up hydrocortisone sodium succinate, provided by the student's parent, shall also be available at the school if needed;

b. The school nurse or trained designee shall be promptly available on site at the school and school-sponsored functions in the event of an emergency; and

c. The student shall be transported to a hospital emergency room by emergency services personnel after the administration of hydrocortisone sodium succinate, even if the student's symptoms appear to have resolved.

3. In accordance with N.J.S.A. 18A:40-12.30, the school nurse has the primary responsibility for the administration of hydrocortisone sodium succinate.

   The school nurse shall designate, in consultation with the Superintendent or designee, additional employees of the school district who volunteer to administer hydrocortisone sodium succinate to a student when the school nurse is not physically present at the scene.

   In the event that a licensed athletic trainer volunteers to administer hydrocortisone sodium succinate, it shall not constitute a violation of the "Athletic Training Licensure Act" - N.J.S.A. 45:9-37.35 et seq.

   The school nurse shall determine that:

   a. The designees have been properly trained in the administration of hydrocortisone sodium succinate using standardized training protocols established by the NJDOE in consultation with the Department of Health;

   b. The parent of the student consented in writing to the administration of hydrocortisone sodium succinate by the designee(s);

   c. The Superintendent or designee has informed the parent of the student in writing that the district and its employees or agents shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student;

   d. The parent of the student signed a statement acknowledging their understanding that the district shall have no liability as a result of any injury arising from the administration of hydrocortisone sodium succinate to the student and that the parent shall indemnify and hold harmless the district and its employees or agents against any claims arising out of the administration of hydrocortisone sodium succinate to the student; and

   e. The permission is effective for the school year for which it is granted and is renewed for each subsequent school year upon fulfillment of the requirements in N.J.S.A. 18A:40-12.30 and D.3.a through d above.

4. Nothing in N.J.S.A. 18A:40-12.30 and D.3. above shall be construed to prohibit the emergency administration of hydrocortisone sodium succinate to a student for adrenal insufficiency by the school nurse or other employees designated pursuant to N.J.S.A. 18A:40-12.30 and D.3. above when the student is authorized to self-administer hydrocortisone sodium succinate pursuant to N.J.S.A. 18A:40-12.3.

5. The certified school nurse, in consultation with the Superintendent or designee, shall recruit and train volunteer designees who are determined acceptable candidates by the school nurse within each school building as deemed necessary by the nursing services plan, in accordance with N.J.S.A. 18A:40-12.32(b).

6. No school employee, including a school nurse, or any other officer or agent of a Board of Education shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.29 et al., nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any action taken by a person designated in good faith by the school nurse pursuant to N.J.S.A. 18A:40-12.30. Good faith shall not include willful misconduct, gross negligence, or recklessness, in accordance with N.J.S.A. 18A:40-12.33.

E. Permission for Self-Administration of Medication

In accordance with N.J.S.A. 18A:40-12.3, the Board shall permit the self-administration of medication by a student for asthma, or other potentially life-threatening illnesses, a life-threatening allergic reaction, or adrenal insufficiency provided that:

1. The parent of the student provides the Board or Superintendent or designee written authorization for the self-administration of medication;

2. The parent of the student provides the Board or Superintendent or designee a signed written certification from the physician of the student that the student has asthma or another potentially life threatening illness, is subject to a life-threatening allergic reaction, or has adrenal insufficiency and is capable of, and has been instructed in, the proper method of self-administration of medication. The written certification must include:

   a. The student's name;

   b. The name of the medication;

   c. The purpose of its administration to the student for whom the medication is intended;

   d. The proper timing and dosage of medication;

   e. Any possible side effects of the medication;

   f. The time when the medication will be discontinued, if applicable;

g. A statement that the student is physically fit to attend school and is free of contagious disease; and

h. A statement the medication must be administered during the school day or the student would not be able to attend school.

3. The Board or the Superintendent or designee informs the parent of the student in writing that the district and its employees or agents shall incur no liability as a result of any injury arising from the self-administration of medication by the student;

4. The parent of the student signs a statement acknowledging that the school district shall incur no liability as a result of any injury arising from the self-administration of medication by the student and that the parent shall indemnify and hold harmless the school district, the Board, and its employees or agents against any claims arising out of the self-administration of medication by the student;

5. The parent's written authorization and the physician's written certification is reviewed by the Principal or designee with the school nurse and the school physician. The school nurse and the school physician must agree the student is capable of self-administration of the medication. If it is determined the student may self-administer medication in accordance with the request:

a. The request will be signed by the Principal and given to the school nurse and the student's parent;

b. The parent will be informed of a reason for a denied request.

6. Permission to self-administer one medication shall not be construed as permission to self-administer other medication; and

7. Permission shall be effective on the school year for which it is granted and shall be renewed for each subsequent school year upon fulfillment of the requirements in E.1. through E.6. above.

F. Custodianship of Medication

1. Medications to be administered by the school nurse or a registered nurse:

a. All medications must be delivered to the school by the parent.

b. All medications must be in the original container, with the prescription information affixed.

c. The school nurse shall be custodian of students' medication, which will be properly secured.

d. Any unused medication must be picked up by the student's parent.

e. After reasonable efforts to have the parent retrieve the medication have failed, any unused medication that remains in the school at the end of the school year or two school weeks after the student stops taking the medication, whichever first occurs, must be destroyed or discarded by the school nurse, in accordance with proper medical controls.

2. Medications to be self-administered by a student:

a. Time being of the essence in cases of asthma or other potentially life threatening illnesses, or a life-threatening allergic reaction, or adrenal insufficiency, all medications to be self-administered by a student must be kept in the student's possession.

b. No student may possess medication for self-administration unless the proper permission has been granted by the Principal or designee and a record of the medication is on file in the office of the school nurse.

c. Students who are permitted to self-administer medications must secure their medication in such a manner that the medication will not be available to other students. The medication must be in a sealed container and clearly labeled with the medication name, dosage, and ordering physician. The medication, if ingested by someone other than the student, shall not cause severe illness or death.

d. Students who are permitted to self-administer medications shall only have in their possession the quantity of medication necessary for the time period of the student's school day.

e. Notwithstanding any other law or regulation, a student who is permitted to self-administer medication in accordance with the provisions of N.J.S.A. 18A:40-12.3 shall be permitted to carry an inhaler or prescribed medication for allergic reactions, including a pre-filled auto-injector mechanism, or prescribed medication for adrenal insufficiency, at all times, provided the student does not endanger himself/herself or other persons through misuse.

G. Administration of Medication

1. No medication shall be administered to or taken by a student in school or at a school-sponsored function except as permitted by Board Policy 5330 and this Regulation.

2. Medication will only be administered to students in school by the school physician, a certified or noncertified school nurse, a substitute school nurse employed by the district, a student who is approved to self-administer in accordance with N.J.S.A. 18A:40-12.3 and school employees who have been trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6 and to administer hydrocortisone sodium succinate in an emergency pursuant to N.J.S.A. 18A:40-12.29 and 12.30.

3. When practicable, self-administration of medication should be observed by the school nurse.

4. Students self-administering medication shall report each administration of medication and any side effects to a teacher, coach, or the individual in charge of the student during school activities. Such individuals shall report all administrations and any side effects reported or observed to the school nurse within twenty-four hours.

5. When a student attends a school-sponsored function at which medication may be required (such as an outdoor field trip or athletic competition) and the school nurse cannot be in attendance, the student's parent will be invited to attend. If neither the school nurse nor the parent can attend and the student does not have permission to self-administer medication and there is a risk that the student may suffer injury from lack of medication, the student may be excused from the function.

H. Emergencies

1. Any medical emergency requiring medication of students will be handled in accordance with Policy 8441 and implementing regulations on first aid and, as appropriate, the school physician's standing orders for school nurses. Arrangements will be made to transport a student to a hospital emergency room after the administration of epinephrine in accordance with N.J.S.A. 18A:40-12.5.e.(3) and after the administration of hydrocortisone sodium succinate in accordance with N.J.S.A. 18A:40-12.29.b.(3).

I. Records

The school nurse shall include the following in a student's health record:

1. The approved written request for the administration or self-administration of medication;

2. A record of each instance of the administration of the medication by the school nurse or a registered nurse;

3. A record of reports by teachers, coaches, and other individuals in charge of school activities who report student self-administration of medication;

4. Any side effects that resulted from the administration of medication; and

5. Whether the supply of medication provided in cases where the medication is to be administered by the school nurse or a registered nurse was exhausted or the parent removed the medication or, if the parent failed to remove the medication, the medication was destroyed and the date on which that occurred.

J. Notification

1. The school nurse may provide the Principal and other teaching staff members concerned with the student's educational progress with information about the medication and administration when such release of information is in the student's best educational interest.

2. The school nurse will provide teachers, coaches, and other individuals in charge of school activities with a list of students who have been given permission to self-administer medication.

3. The school nurse will inform the student's parent of any difficulty in the administration of medication or any side effects.

4. The school nurse will report to the school physician any student who appears to be adversely affected by the medication.

Adopted: 27 August 2020

R 5330.01 ADMINISTRATION OF MEDICAL MARIJUANA

A custodial parent, guardian, or person having legal custody of a student requesting the administration of medical marijuana to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event must comply with the procedures and requirements of N.J.S.A. 18A:40-12.22 and N.J.S.A. 24:6I-1 et seq. and this Regulation.

A. Definitions

For the purposes of this Policy:

1. "Bona fide physician-patient relationship" means a relationship in which the physician has ongoing responsibility for the assessment, care, and treatment of a qualifying student patient's debilitating medical condition.

2. "Certification" means a statement signed by a physician with whom a qualifying student patient has a bona fide physician-patient relationship, which attests to the physician's authorization for the patient to apply for registration for the medical use of marijuana.

3. "Marijuana" has the meaning given in Section 2 of the "New Jersey Controlled Dangerous Substances Act," N.J.S.A. 24:21-2.

4. "Medical use of marijuana" means the acquisition, possession, transport, or use of marijuana or paraphernalia by a registered qualifying student patient as authorized by the New Jersey Compassionate Medical Marijuana Act (Act).

5. "Parent" means the custodial parent, guardian, or person who has legal custody of a qualifying student patient who may also be the primary caregiver registered and provided a Registry Identification Card by the New Jersey Department of Health to administer medical marijuana to a student in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.

6. "Physician" means a person licensed to practice medicine and surgery pursuant to Title 45 of the Revised Statutes with whom the qualifying student patient has a bona fide physician-patient relationship and who is the primary care physician, hospice physician, or physician responsible for the ongoing treatment of a qualifying student patient's debilitating medical condition, provided; however, that the ongoing treatment shall not be limited to the provision of authorization for a qualifying student patient to use medical marijuana or consultation solely for that purpose.

7. "Primary caregiver" or "caregiver" means a resident of the State who:

   a. Is at least eighteen years old;

   b. Has agreed to assist with a registered qualifying student patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not the qualifying student patient's physician;

   c. Has never been convicted of possession or sale of a controlled dangerous substance, unless such conviction occurred after the effective date [Oct. 1, 2010] of the Act and was for a violation of Federal law related to possession or sale of marijuana that is authorized under the Act;

   d. Has registered with the Department of Health pursuant to N.J.S.A. 24:6I-4 and has satisfied the criminal history record background check requirement of N.J.S.A. 24:6I-4; and

   e. Has been designated as primary caregiver on the qualifying student patient's application or renewal for a Registry Identification Card or in other written notification to the Department of Health.

8. "Qualifying student patient" means a resident of the State who is a student enrolled and attending school in this school district who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship and has been issued a Registry Identification Card by the New Jersey Department of Health for medical use of marijuana in accordance with the provisions of N.J.S.A. 18A:40-12.22 and N.J.S.A 24:6I-4.

9. "Qualifying patient" means a resident of the State who has been provided with a certification by a physician pursuant to a bona fide physician-patient relationship.

10. "Registry Identification Card" means a document issued by the Department of Health that identifies a person as a registered qualifying student patient or primary caregiver.

B. Registration – Qualifying Student Patient and Primary Caregiver

1. A qualifying student patient must be authorized to engage in the medical use of marijuana and the primary caregiver must be authorized to assist the qualifying student patient with the medical use of marijuana pursuant to the provisions of N.J.S.A. 24:6I-1 et seq.

2. A qualifying student patient and their primary caregiver must complete the registration process in accordance with the provisions of N.J.S.A. 24:6I-4 and any other requirements of the New Jersey Department of Health.

3. The qualifying student patient's parent shall be responsible to immediately inform the Principal of any change in the status of the student's Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

4. The qualifying student patient's primary caregiver shall be responsible to immediately inform the Principal of any change in the status of any primary caregiver's Registry Identification Card that would deem the Registry Identification Card null and void due to any reason outlined in N.J.S.A. 24:6I-4e or for any other reason.

C. Submission for Authorization for Administration of Medical Marijuana

1. A parent of a qualifying student patient requesting the administration of medical marijuana to the student while on school grounds, aboard a school bus, or attending a school-sponsored event must submit a written request to the Principal with a copy of a current New Jersey Department of Health Registry Identification Cards for the qualifying student patient and the primary caregiver and a copy of the physician's order or prescription indicating dosage information and the method of administration for the medical marijuana to the qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event.

   The Principal may request the parent provide additional documentation from the physician that the medical marijuana must be administered during the time of the day when the student is on school grounds, aboard a school bus, or attending a school-sponsored event and the medical marijuana cannot be administered and/or will not be effective during alternate times when the student is not on school grounds, aboard a school bus, or attending a school-sponsored event.

   a. The parent's written request and all supporting documentation must be submitted to the Principal at least five school days before the first day of the requested administration.

2. The Principal shall review the submitted Registry Identification Cards and supporting documentation with the school physician, the school nurse, and the Superintendent of Schools.

3. Upon review and approval of the documentation submitted by the parent, the Principal will inform the parent or primary caregiver, if the parent is not the primary caregiver, in writing with the following information:

   a. The location (school, office, etc.) where the primary caregiver shall report to administer the medical marijuana;

   b. The school staff member(s) who the primary caregiver must see to coordinate the administration of medical marijuana;

   c. The time the primary caregiver shall report to administer the medical marijuana;

   d. The specific location where the medical marijuana shall be administered to the student; and

   e. A copy of Policy and Regulation 5330.01 – Administration of Medical Marijuana.

4. In the event the Principal, after consultation with the school nurse, school physician, and Superintendent, has a question or concern regarding the Registry Identification Cards or supporting documentation submitted by the parent, the Principal or school physician will contact the parent with the question or concern.

5. The administration of medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event, pursuant to N.J.S.A. 18A:40-12.22, will only be authorized after the approval required by Policy and Regulation 5330.01.

D. Administration of Medical Marijuana

1. The medical marijuana shall only be administered by the primary caregiver and at the approved location, times, and method as indicated in the parent's request that was approved in writing by the Principal.

2. In accordance with the provisions of N.J.S.A. 18A:40-12.22.b.(5), medical marijuana cannot be administered to a qualifying student patient while on school grounds, aboard a school bus, or attending a school-sponsored event by smoking or other form of inhalation.

3. The prescribed medical marijuana must always be in the possession of the primary caregiver and may not be in the possession of the qualifying student patient at any time on school grounds, aboard a school bus, or at a school-sponsored event.

4. The Principal, after consultation with the school nurse, school physician, and the Superintendent, will determine a specific location for the administration of the medical marijuana to the qualifying student patient.

   a. The Principal will designate a private area, if possible, for the primary caregiver to administer the medical marijuana to the qualifying student patient. The amount of privacy provided for the administration will depend on the approved method of administration and the designated location. The location may be a nurse's office, a private office, a private restroom facility, or any other location appropriate for the approved method of administration.

5. The primary caregiver shall report to the approved location prior to the scheduled time for the administration of medical marijuana to the qualifying student patient. The primary caregiver must show the Registry Identification Card and a second form of identification which shall be a photograph identification.

6. The Principal or supervising school staff member of a school-sponsored event may designate a school staff member to escort the primary caregiver to the qualifying student patient at the designated time to the designated location for the administration.

7. The Principal may designate a school staff member to observe the administration of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event.

8. The primary caregiver shall assist in the administration of medical marijuana to the qualifying student patient in accordance with the method and dosage prescribed by the physician and included in the parent's request to the Principal.

9. The qualifying student patient shall return to his/her class or event as soon as possible after the administration.

10. The primary caregiver will be escorted outside the school building, away from the school bus, or away from the school-sponsored event, if applicable, by a school staff member after the administration.

a. The qualifying student patient and/or primary caregiver may be asked to remain at the location of the administration by the school staff member in the event the student needs some additional time after the administration and before returning to their class or event.

11. The primary caregiver shall be responsible for the security of the medical marijuana on school grounds, aboard a school bus, or at a school-sponsored event before, during, and after the administration. At no time shall the qualifying student patient have the medical marijuana in their possession except during the administration process by the primary caregiver.

R 5330.04 ADMINISTERING AN OPIOID ANTIDOTE

A. Definitions

1. "Opioid antidote" means any drug, regardless of dosage amount or method of administration, which has been approved by the United States Food and Drug Administration (FDA) for the treatment of an opioid overdose. "Opioid antidote" includes, but is not limited to, naloxone hydrochloride, in any dosage amount, which is administered through nasal spray or any other FDA-approved means or methods.

2. "Opioid overdose" means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death resulting from the consumption or use of an opioid drug or another substance with which an opioid drug was combined, and that a layperson would reasonably believe to require medical assistance.

3. "School-sponsored function" means any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized or supported by the school.

   a. The requirements of N.J.S.A. 18A:40-12.23 through 12.27 only apply to school-sponsored functions that take place in the school or on school grounds adjacent to the school building.

B. Acquisition, Maintenance, Accessibility, and Documentation of an Opioid Antidote

1. In accordance with N.J.S.A. 24:6J-4(a)(1)(f) and N.J.S.A. 24:6J-4(a)(2)(c), the school physician may prescribe or dispense an opioid antidote through a standing order to the school district, school, or certified school nurse for administration to overdose victims. The school physician's standing order must specify, at a minimum, the following:

   a. The certified school nurse is authorized to directly administer the opioid antidote to overdose victims in the event of an emergency; and

   b. The school district, school or certified school nurse may also dispense or grant access, in emergency situations, to other persons employed by the district or school who have certified to having received training in the administration of the opioid antidote and overdose prevention information.

2. The school nurse in each school that includes any of the grades designated by the Board in Policy 5330.04 shall obtain a standing order for opioid antidotes pursuant to the "Overdose Prevention Act" – N.J.S.A. 24:6J-1 et seq.

    a. Written standing orders shall be reviewed and reissued before the beginning of the school year in accordance with N.J.A.C. 6A:16-2.3(a)4(vi).

3. The school nurse shall be responsible to:

    a. Maintain a supply of opioid antidotes that have been prescribed under a standing order in a safe and secure, but unlocked and easily accessible location in the school:

        (1) The opioid antidotes shall be accessible in the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building.

    b. Document the administration of an opioid antidote on a student's health record;

    c. Monitor the on-site inventory and replacement of the opioid antidote supply;

    d. Ensure the replacement of the opioid antidote supply following use or expiration of the opioid antidote; and

    e. Plan for the disposal of administered opioid antidote and expired opioid antidote applicators.

4. Opioid antidotes shall be maintained by a school pursuant to N.J.S.A. 18A:40-12.24.b.(1) in quantities and types deemed adequate by the Board, in consultation with the New Jersey Department of Education (NJDOE) and the Department of Human Services.

C. Authorization and Training for Administering an Opioid Antidote

1. The school nurse shall have the primary responsibility for the emergency administration of an opioid antidote.

2. However, the Board upon the recommendation of the Superintendent shall designate additional employees who volunteer to administer an opioid antidote in the event that a person experiences an opioid overdose when the nurse is not physically present at the scene.

3. The school nurse and designated employees shall only be authorized to administer opioid antidotes after receiving the training required under N.J.S.A. 18A:40-12.25.b and N.J.S.A. 24:6J-5.

   a. Each certified school nurse and each employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall receive training on standard protocols from the school physician issuing the standing order or through a written agreement by the school physician with an organization that addresses medical or social issues related to drug addiction.

      The training must address overdose prevention information, including but not limited to, the following:

      (1) Information on opioid overdose prevention and recognition;

      (2) Instruction on how to perform rescue breathing and resuscitation;

      (3) Information on opioid dosage and instruction on opioid antidote administration;

      (4) Information describing the importance of calling 911 emergency telephone service for assistance with an opioid overdose; and

      (5) Instructions for appropriate care of an overdose victim after administration of the opioid antidote.

   b. The district shall collect and maintain written evidence of satisfactory completion of the required training program before a certified school nurse or an employee is approved to administer opioid antidote.

4. In the event a licensed athletic trainer volunteers to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.23 through 12.27, it shall not constitute a violation of the "Athletic Training Licensure Act" – N.J.S.A. 45:9-37.35 et seq.

D. Administration of an Opioid Antidote

1. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be authorized to administer an opioid antidote to any person whom the nurse or trained employee in good faith believes is experiencing an opioid overdose.

   a. The school nurse or a trained employee designated pursuant to N.J.S.A. 18A:40-12.24.c.(1) shall be promptly available on site at the school during regular school hours and during school-sponsored functions that take place in the school or on school grounds adjacent to the school building at any time.

   b. Upon receiving a report or observing a possible opioid overdose in the school or at a school-sponsored function that takes place in a school or on school grounds adjacent to the school building at any time, the Principal or designee or any staff member present will immediately call the school nurse, if present, or a designated staff member who volunteered and was trained to administer an opioid antidote, and emergency medical responders.

2. The certified school nurse or employee designated to administer an opioid antidote pursuant to N.J.S.A. 18A:40-12.24.c.(1) and N.J.S.A. 24:6J-5 shall determine, in addition to the opioid antidote, whether any other emergency medical response is necessary, including but not limited to, cardiopulmonary resuscitation (CPR), Rescue Breaths, or the use of an automated external defibrillator (AED).

3. The certified school nurse and/or other staff member(s) shall monitor the person who has received an opioid antidote and keep the individual who may be experiencing an opioid overdose comfortable until emergency medical responders arrive on the scene.

4. An individual shall be transported to a hospital emergency room by emergency medical responders after the administration of an opioid antidote, even if the person's symptoms appear to have resolved. A student transported to the hospital shall be transported in accordance with the Board's Policy required in treating alcohol or other drug-affected students pursuant to N.J.A.C. 16-4.1(c)5.

5. The Principal or designee shall notify the Superintendent or designee whenever an opioid antidote is administered.

6. The Principal or designee shall notify, as soon as practical, the parent of any student or a family member or other contact person for a staff member who may be experiencing an opioid overdose or has been administered an opioid antidote.

7. Nothing in Regulation 5330.04 shall be interpreted to prohibit the administration of an opioid antidote to a student, staff member, or other person in an emergency during school hours or during on-site school-sponsored activities by an emergency medical responder or other person authorized by law to administer an opioid antidote, in accordance with N.J.S.A. 24:6J-1 et seq.

E. Use of Controlled Dangerous Substances

1. Any student or staff member who is found to be under the influence of a controlled dangerous substance shall be subject to the provisions of any applicable statutes and administrative codes and Board Policies and Regulations prohibiting the use of a controlled dangerous substance.

F. Limitation of Liability

1. Pursuant to N.J.S.A. 24:6J-4, the school district, school physician, certified school nurse, and other approved designees shall not, as a result of any acts or omissions, be subject to any criminal or civil liability for administering an opioid antidote.

2. Any person or entity authorized under N.J.S.A. 18A:40-12.23 through 12.28 to administer an opioid antidote, may administer to an overdose victim with full immunity:

a. A single dose of any type of FDA approved opioid antidote for use in treatment of opioid overdoses; and

b. Up to three doses of an intramuscular auto injector or an intranasal application of opioid antidote, as needed to revive the overdose victim.

Adopted: 27 August 2020

R 5331 MANAGEMENT OF LIFE-THREATENING ALLERGIES IN SCHOOLS

A. Definitions

1. Anaphylaxis - A serious allergic reaction that is rapid in onset and may cause death.

2. Epinephrine (adrenaline) - A drug that can be successfully utilized to counteract anaphylaxis.

3. Food Allergy - A group of disorders characterized by immunologic responses to specific food proteins. In the United States, the most likely common allergens in adults and children are cow's milk, eggs, peanuts, wheat, soy, fish, shellfish, and nuts.

4. Individualized Emergency Healthcare Plan (IEHP) - A personalized healthcare plan written by the certified school nurse that specifies the delivery of accommodations and services needed by a student in the event of an emergency.

5. Individualized Healthcare Plan (IHP) - A plan written by the certified school nurse that details accommodations and/or nursing services to be provided to a student because of the student's medical condition based on medical orders written by a health care provider in the student's medical home.

6. School-Sponsored Function - Any activity, event, or program occurring on or off school grounds, whether during or outside of regular school hours, that is organized and/or supported by the school.

B. Policy and Regulation Development

1. Policy and Regulation 5331 address different allergens, varying ages and maturity levels of students, and the physical properties and organizational structures of schools in this school district. The components below were critical in developing Policy and Regulation 5331.

   a. The school district nursing staff, in consultation with the school physician, if needed:

      (1) Assessed the overall health needs of the student population at risk for anaphylaxis, particularly students with food allergies; and

(2) Assessed current and relevant policies and/or protocols regarding the care of students with life-threatening allergies and identified areas in need of development or improvement.

2. Policy and Regulation 5331 were developed using a multidisciplinary team that included various school district administrators, teachers, and support staff members.

3. Additional factors need to be regarded at the secondary school level in order to provide the best care for food-allergic teens. The multidisciplinary team should consider the factors below when developing Policy and Regulation 5331 as it pertains to food-allergic teens.

a. Students move to different classrooms, frequently in larger buildings and campuses, presenting needs for updated avoidance strategies, epinephrine availability, and designated assistance.

b. Students may have open lunch periods and accompany friends to local eateries.

c. Students may have access to vending machines.

d. Certain classes give rise to new avoidance issues, e.g., chemistry/biology labs, home economics/culinary class, etc.

e. The number of off-site school-sponsored functions increases, e.g., travel, sometimes to other States and foreign countries; athletic games and competitions, sometimes in other towns; dances; etc.

f. Risk-taking behaviors frequently accompany the independence of adolescent years.

g. N.J.S.A. 18A:40-12.6 provides for a delegate for the emergency administration of epinephrine even when a student is able to self-administer life-saving medication. Although teenage students will more than likely be permitted to carry and self-administer emergency medications, those students are not to be expected to have complete responsibility for the administration of epinephrine. A severe allergic reaction can completely incapacitate a student and inhibit the ability to

self-administer emergency medication. Therefore, the school nurse or volunteer delegate shall be available during school and school-sponsored functions to administer epinephrine in an emergency in accordance with the provisions of N.J.S.A. 18A:40-12.5.e.(2).

4. The Principal and/or the school nurse will educate staff and the community regarding Policy and Regulation 5331; obtain feedback on the implementation and effectiveness of the Policy and Regulation; and annually review, evaluate, and update the Policy and Regulation, as needed or required by law.

C. Prevention Measures

1. Considerations for the Cafeteria

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the cafeteria environment as safe as possible for food-allergic students. This process includes making determinations about serving foods with known allergens and identifying steps that can be taken to reduce the chance of accidental exposure. The steps may include:

a. Training to food service personnel on food label reading and safe handling, as well as safe meal substitutions for food-allergic children.

b. Educating cafeteria staff and monitors about food-allergy management and make them aware of the students who have life-threatening food allergies.

c. Developing and implementing standard procedures for cleaning tables, chairs, and trays, particularly those designated as allergen-safe, after lunch periods using dedicated and disposable supplies to avoid cross contact.

d. When possible, sharing ingredient/allergen information for food provided by the school to students and parent(s) or legal guardian(s).

e. Making allergen-safe table(s) an available option for allergic students.

f. Considering allergen-full table(s) (i.e., all those eating peanut butter sit together).

g. Discouraging students from sharing or trading food/snack items, drinks, straws, or utensils.

h. Encouraging students to wash hands before and after eating.

i. Considering the benefits and ramifications of serving and/or removing allergen-containing foods or removing a particular food item from the school menu.

j. Making accommodations in the event a student cannot be in direct proximity to certain allergens that are being cooked/boiled/steamed.

2. Considerations for the Classroom

Provisions will be made to develop safeguards for the protection of food-allergic students in the classroom. The school nurse will work with the classroom teacher(s) so the teacher understands and is able to initiate the student's IEHP, as necessary.

a. If possible, consider prohibiting the use or consumption of allergen-containing foods in the classroom.

b. Conduct training for teachers, aides, volunteers, substitutes, and students about food allergies.

c. Develop and implement a procedure that will alert substitute teachers to the presence of any students with food allergies and any accompanying instructions.

d. Develop and implement a letter to parent(s) or legal guardian(s) of classmates of the food-allergic student (without identifying the student), particularly in lower grades, explaining any prohibitions on food in the classroom.

e. Discourage the use of food allergens for classroom projects/activities, classroom celebrations, etc.

f. Encourage the use of non-food items for all classroom events/activities, as a way to avoid the potential presence of major food allergens.

g. Notify parent(s) or legal guardian(s) of classroom celebrations that involve food with particular attention to notification of parent(s) or legal guardian(s) of food-allergic children.

h. Encourage students to wash hands before and after eating.

i. Develop and implement standard procedures for cleaning desks, tables, and the general classroom area.

3. General Considerations for the School Environment

The Principal, in consultation with the school nurse, teaching staff members, food service staff members, and other appropriate staff members, will work to make the school environment as safe as possible for the food-allergic student to include:

a. Developing and implementing cleaning procedures for common areas (i.e., libraries, computer labs, music and art rooms, hallways, etc.).

b. Developing and implementing guidelines for food fundraisers (i.e. bake sales, candy sales, etc.) that are held on school grounds.

c. Avoiding the use of food products as displays or components of displays in hallways.

d. Developing protocols for appropriate cleaning methods following events held at the school, which involve food.

4. Field Trips and Other School Functions

N.J.S.A. 18A:40-12.6 requires a nurse or delegate to be available during school and school-sponsored functions in the event of anaphylaxis. Students with food allergies should participate in all school activities and will not be excluded based on their condition. The appropriate school staff member(s) should:

a. Communicate (with parent(s) or legal guardian(s) permission) relevant aspects of the IEHP to staff, as appropriate, for field trips, school-sponsored functions, and before- and after-school programs.

b. Encourage long-term planning of field trips in order to ensure that food-allergic students receive needed services while away from school.

c. Evaluate appropriateness of trips when considering the needs of students e.g., a trip to a dairy farm should not be scheduled for a class with a milk-allergic student.

d. Encourage, but do not require, parent(s) or legal guardian(s) of food-allergic students to accompany their child on school trips.

e. Implement the district's procedure for the emergency administration of medications.

f. Implement the district's procedure for emergency staff communications on field trips.

g. Inform parent(s) or legal guardian(s), when possible, of school events at which food will be served or used.

5. Bus Transportation

The district administrative staff and transportation personnel will consider the needs of students with life-threatening allergies while being transported to and from school and to school-sponsored activities. The appropriate school staff member(s) should:

a. Advise bus drivers of the students that have food allergies, symptoms associated with food-allergic reactions, and how to respond appropriately.

b. Assess the emergency communications systems on buses.

c. Consider assigned bus seating i.e., students with food allergies can sit at the front of the bus or can be paired with a "bus buddy."

d. Assess existing policies regarding food on buses.

6. Preparing for an Emergency

The Principal and school nurse will establish emergency protocols and procedures in advance of an emergency. These protocols and procedures should:

a. Provide training for school personnel about life-threatening allergic conditions.

b. Create a list of volunteer delegates trained by the nurse in the administration of epinephrine, and disseminate the list appropriately.

c. Ensure that epinephrine is quickly and readily accessible in the event of an emergency. If appropriate, maintain a backup supply of the medication.

d. Coordinate with local EMS on emergency response in the event of anaphylaxis.

e. Consider conducting anaphylaxis drills as part of the district or school-wide emergency response plan.

f. Ensure access to epinephrine and allergy-free foods when developing plans for fire drills, lockdowns, etc.

g. Ensure that reliable communication devices are available in the event of an emergency.

h. Adhere to Occupational Safety and Health Administration (OSHA) and Universal Precautions Guidelines for disposal of epinephrine auto-injectors after use.

7. Sensitivity and Bullying

A food-allergic student may become victim to threats of bullying related to his/her condition. N.J.A.C. 6A:16-7.9 requires each Board of Education to develop, adopt, and implement a policy prohibiting harassment, intimidation, or bullying on school grounds, including on a school bus or at a school-sponsored function, pursuant to N.J.S.A. 18A:37-15. The appropriate school staff member(s) should:

a. Remind students and staff that bullying or teasing food-allergic students will not be tolerated and violators should be disciplined appropriately.

b. Offer professional development for faculty and staff regarding confidentiality to prevent open discussion about the health of specific students.

c. Discourage needless labeling of food-allergic students in front of others. A food-allergic student should not be referred to as “the peanut kid,” “the bee kid” or any other name related to the student’s condition.

D. Roles and Responsibilities for Managing Food Allergies

The risk of accidental exposure to foods can be reduced in the school setting if schools, students, parent(s) or legal guardian(s), and physicians work together to minimize risks of exposure to allergens and provide a safe educational environment for food-allergic students.

1. Family's Role

   a. Notify the school of the student's allergies.

   b. Work with the school team to develop a plan that accommodates the student's needs throughout the school, including the classroom, the cafeteria, after-care programs, during school-sponsored activities, and on the school bus, as well as an IEHP.

   c. Provide written medical documentation, instructions, and medications as directed by a physician, using the Food Allergy Action Plan as a guide. Include a photo of the child on written form.

   d. Provide properly labeled medications and promptly replace medications after use or upon expiration.

   e. Educate the child in the self-management of their food allergy including: safe and unsafe foods; strategies for avoiding exposure to unsafe foods; symptoms of allergic reactions; how and when to tell an adult they may be having an allergy-related problem; and how to read food labels (age appropriate).

   f. Review policies and procedures with the school staff, the child's physician, and the child (if age appropriate) after a reaction has occurred.

   g. Provide current emergency contact information and update regularly.

2. School's Role

   a. Review the health records submitted by parent(s) or legal guardian(s) and physicians.

b. Identify a core team including the school nurse, teacher, Principal, and school food service and nutrition manager/director to work with parent(s) or legal guardian(s) and the student (age appropriate) to establish an IEHP. Changes to the IEHP that promote food allergy management should be made with core team participation.

c. Assure that all staff who interact with the student on a regular basis understand food allergies, can recognize symptoms, know what to do in an emergency, and work with other school staff to eliminate the use of food allergens in the allergic student's meals, educational tools, arts and crafts projects, or incentives.

d. Coordinate with the school nurse to ensure medications are appropriately stored and ensure an emergency kit is available that contains a physician's standing order for epinephrine. Epinephrine should be kept in a secure but unlocked location that is easily accessible to delegated school personnel.

e. Students who are permitted to self-administer should be permitted to carry their own epinephrine in accordance with State regulations and district policy.

f. Designate school personnel who volunteer to administer epinephrine in an emergency.

g. Be prepared to handle a reaction and ensure there is a staff member available who is properly trained to administer medications during the school day, regardless of time or location.

h. Review policies and prevention plans with the core team members, parent(s) or legal guardian(s), student (age appropriate), and physician after a reaction has occurred.

i. Work with the transportation administrator to insure that school bus drivers receive training that includes symptom awareness and what to do if a reaction occurs and assess the means by which a bus driver can communicate during an emergency, including proper devices and equipment.

j. Discuss field trips with the family of the food-allergic child to decide appropriate strategies for managing the food allergy.

k. Follow Federal and/or State laws and regulations regarding sharing medical information about the student.

l. Take threats or harassment against an allergic child seriously.

3. Student's Role

a. Students should not trade food with others.

b. Students should not eat anything with unknown ingredients or known to contain any allergens.

c. Students should be proactive in the care and management of their food allergies and reactions based on their developmental level.

d. Students should notify an adult immediately if they eat something they believe may contain the food to which they are allergic.

R 5338 DIABETES MANAGEMENT

A. Definitions

1. "Individualized emergency health care plan" means a document developed by the school nurse, in consultation with the parent of a student with diabetes and other appropriate medical professionals, which is consistent with the recommendations of the student's health care provider(s) and which outlines a set of procedural guidelines that provide specific directions about what to do in a particular emergency situation and is signed by the parent and the school nurse.

2. "Individualized health care plan" means a document developed by the school nurse, in consultation with the parent of a student with diabetes and other appropriate medical professionals who may be providing diabetes care to the student, which is consistent with the recommendations of the student's health care provider(s) and which sets out the health services needed by the student at school and is signed by the parent and the school nurse.

3. "Parent" means parent or legal guardian.

B. Health Care Plans for Students with Diabetes

1. The parent of a student with diabetes who seeks diabetes care for the student while at school shall inform the school nurse who shall develop an individualized health care plan and an individualized emergency health care plan for the student.

   a. The parent of the student with diabetes shall annually provide to the Principal and the school nurse a signed written request and authorization for the provision of diabetes care as may be outlined in the individualized health care plan, which shall include authorization for the emergency administration of glucagons and, if requested by the parent, authorization for the student's self-management and care of his/her diabetes; and

   b. If such a request is made by a student's parent, the student's physician or advanced practice nurse must provide a signed written certification to the Principal and the school nurse that the student is capable of, and has been instructed in, the management and care of his/her diabetes.

2. The individualized health care plan and individualized emergency health care plan shall be updated by the school nurse prior to the beginning of each school year and as necessary in the event that there is a change in the health status of the student.

3. Each individualized health care plan shall include, and each individualized emergency health care plan may include, the following information:

   a. The symptoms of hypoglycemia for that particular student and the recommended treatment;

   b. The frequency of blood glucose testing;

   c. Written orders from the student's physician or advanced practice nurse outlining the dosage and indications for insulin administration and the administration of glucagon, if needed;

   d. Times of meals and snacks and indications for additional snacks or exercise;

   e. Full participation in exercise and sports, and any contraindications to exercise, or accommodations that must be made for that particular student;

   f. Accommodations for school trips, after-school activities, class parties, and other school-related activities;

   g. Education of all school personnel who may come in contact with the student about diabetes, how to recognize and treat hypoglycemia, how to recognize hyperglycemia, and when to call for assistance;

   h. Medical and treatment issues that may affect the educational process of the student with diabetes; and

   i. How to maintain communications with the student, the student's parent and health care team, the school nurse, and the educational staff.

4. The school nurse assigned to a particular school shall coordinate the provision of diabetes care at that school and ensure that appropriate staff members are trained in the care of students with diabetes, including staff members working with school-sponsored programs outside of the regular school day, as provided in the individualized health care plan and the individualized emergency health care plan.

C. Authorized Employees for Administration of Glucagon

1. The school nurse shall have the primary responsibility for the emergency administration of glucagon to a student with diabetes who is experiencing severe hypoglycemia. The school nurse shall designate, in consultation with the Superintendent or designee, additional employees of the school district who volunteer to administer glucagon to a student with diabetes who is experiencing severe hypoglycemia. The designated employees shall only be authorized to administer glucagon, following training by the school nurse or other qualified health care professional, when a school nurse is not physically present at the scene.

2. In accordance with the provisions of N.J.S.A. 18A:40-12.14, the activities described in C.1. above shall not constitute the practice of nursing and shall be exempted from all applicable statutory or regulatory provisions that restrict the activities that may be delegated to a person who is not a licensed health care professional.

3. In accordance with the provisions of N.J.S.A. 18A:40-12.14, if a licensed athletic trainer volunteers to administer glucagon to a student with diabetes as described in C.1. above, it shall not constitute a violation of the "Athletic Training Licensure Act," P.L.1984, c.203 (C.45:9-37.35 et seq.).

D. Management and Care of Diabetes by Student

1. Upon the written request and authorization from the parent submitted to the Principal and school nurse and as provided in the student's individualized health care plan, the school district shall allow the student to manage care for his/her diabetes as needed in the classroom, in any area of the school or school grounds, or at any school-related activity provided the student has been evaluated and determined to be capable of doing so as reflected in the student's individualized health care plan. The student's management and care of his/her diabetes shall include the following:

   a. Performing blood glucose level checks;

   b. Administering insulin through the insulin delivery system the student uses;

   c. Treating hypoglycemia and hyperglycemia;

d. Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes;

e. Compliance with required procedures for medical waste disposal in accordance with district policies and as set forth in the individualized health care plan; and

f. Otherwise attending to the management and care of the student's diabetes.

E. Release for Sharing of Certain Medical Information

1. The school nurse shall obtain a release from the parent of a diabetic student to authorize the sharing of medical information between the student's physician or advanced practice nurse and other health care providers.

2. The release shall also authorize the school nurse to share medical information with other staff members of the school district as necessary.

F. Immunity From Liability

1. No school employee, including a school nurse, a school bus driver, a school bus aide, or any other officer or agent of the Board of Education shall be held liable for any good faith act or omission consistent with the provisions of N.J.S.A. 18A:40-12.11 through 18A:40-12.21, nor shall an action before the New Jersey State Board of Nursing lie against a school nurse for any such action taken by a person trained in good faith by the school nurse pursuant to this act. Good faith shall not include willful misconduct, gross negligence, or recklessness.

G. Possession of Syringes

1. The possession and use of syringes consistent with the purposes of N.J.S.A. 18A:40-12.11 through 18A:40-12.21 and Policy 5338 shall not be considered a violation of applicable statutory or regulatory provisions that may otherwise restrict or prohibit such possession and use.

Issued: 27 August 2020

R 5350 STUDENT SUICIDE PREVENTION

The following are guidelines to assist school district staff members in recognizing the warning signs of a student who may be contemplating suicide, to respond to a threat or attempted suicide, and to prevent contagion when a student commits suicide.

A. Recognition of Warning Signs of Suicide

All school district staff members shall be alert to any warning signs a student may be contemplating suicide. Such warning signs may include, but are not limited to, a student's:

1. Overt suggestion, regardless of its context, that he/she is considering or has considered suicide or has worked out the details of a suicide attempt;

2. Self-mutilation;

3. Obsession with death or afterlife;

4. Possession of a weapon or possession of other means of suicide or obsession with such means;

5. Sense of hopelessness or unrelieved sadness;

6. Lethargy or despondency, or, conversely, a tendency to become more impulsive or aggressive than usual;

7. Drop in academic achievement, slacking off of energy and effort, or inability to focus on studies;

8. Isolation from others by loss of friends, withdrawal from friends, lack of companionship, or family disintegration;

9. Preoccupation with nonexistent physical illness;

10. Loss of weight, appetite, and/or sleep;

11. Substance abuse;

12. Volatile mood swings or sudden changes in personality;

13. Prior suicide attempt(s);

14. Anxiety or eating disorder;

15. Involvement in an unhealthy, destructive, or abusive relationship; and

16. Depression due to being a victim/target of harassment, intimidation, bullying, or mistreatment by others.

B. Response to the Warning Signs of Suicide

1. Any indication of suicide, whether personally witnessed or received by a report from another, shall be taken seriously and immediately reported to the Principal or designee. Upon receiving such report, the Principal will ensure the student is supervised by a school staff member until a preliminary assessment of the risk is determined.

2. The Principal or designee shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) that the student will be referred to the Child Study Team or a Suicide Intervention Team for a preliminary assessment in accordance with C. below.

3. If the threat of suicide is immediate and serious, the Principal will contact local law enforcement and the Superintendent of Schools.

C. Preliminary Assessment and Recommendation(s)

1. The Principal or designee will designate the Child Study Team or the Suicide Intervention Team to immediately meet with the student to complete a preliminary assessment.

2. The Child Study Team or Suicide Intervention Team will make a recommendation(s), based on the preliminary assessment, to the Principal or designee regarding the student's risk of suicide.

3. Upon receiving the recommendation(s), the Principal or designee will immediately meet with the parent(s) to review the findings of the preliminary assessment. Based on the recommendation(s) of the Child Study Team or Suicide Intervention Team, the student may be:

a. Permitted to remain in school:

(1) If the student remains in school after the preliminary assessment, the Principal or designee will designate a school staff member to follow-up with the student on any recommendations of the Child Study Team or Suicide Intervention Team.

b. Referred to the Child Study Team for further evaluation;

c. Removed from the school and released to the parent(s) and will be required to obtain medical or psychiatric services before the student may return to school:

(1) The parent(s) will be required to submit to the Superintendent a written medical clearance from a licensed medical professional selected by the parent(s) and acceptable to the Superintendent, indicating the student has received medical services, does not present a risk to himself/herself or others, and is cleared to return to school. The Superintendent will not act unreasonably in withholding approval of the medical professional selected by the parent(s). The written medical clearance may be reviewed by a Board of Education healthcare professional before the student is permitted to return to school.

(2) The parent(s) shall be required to authorize their healthcare professional(s) to release the student's relevant medical information to the school district's healthcare professional, if requested.

d. Required to comply with the recommendation(s) outlined in C.3.a., b., and/or c. above, and/or any other recommendation(s) of the Principal or designee to ensure the student's safety and the safety of others.

4. In the event the parent(s) objects to the recommendation(s) or indicates an unwillingness to cooperate with the school district regarding their child, the Principal or designee will contact the New Jersey Department of Children and Families, Division of Child Protection and Permanency to request intervention on the student's behalf.

D. Response to Attempted Suicide by a Student

1. Any school district staff member, volunteer, or intern with reasonable cause to suspect or believe a student has attempted suicide, shall immediately report the information to the Principal or designee or their immediate supervisor.

2. A Principal or designee or supervisor who receives a report of a student who has attempted suicide will immediately report it to the Superintendent or designee, who shall promptly report it online to the New Jersey Department of Children and Families, or as otherwise required by the Department of Children and Families.

3. The school district staff member who witnesses a suicide attempt on school grounds, at a school sponsored event, or on a school bus shall immediately contact local law enforcement and emergency medical services, as appropriate.

E. Response to Suicide Committed by a Student

1. Any school district staff member, volunteer, or intern with reasonable cause to suspect or believe a student has committed suicide, shall immediately report the information to the Principal or designee or their immediate supervisor.

2. A Principal or designee or supervisor who receives a report that a student has committed suicide will immediately report it to the Superintendent or designee, who shall promptly report it online to the New Jersey Department of Children and Families, or as otherwise required by the Department of Children and Families.

3. The Principal of the school the student attended will assemble school staff members as soon as possible, to provide school staff members information, plans for the school day, and guidelines for handling the concerns of students.

4. The Principal of the school the student attended will use a School Crisis Team to assist school staff members in dealing with any issues that arise due to the situation and to assist students in the loss.

5. The School Crisis Team will assist teachers in responding to the needs of students. Students who were close to the victim shall be offered special counseling services and parents will be notified of available community mental health services.

6. School staff members shall be especially alert to warning signs of contemplated suicide among the victim's peers.

7. All Principals in the school district will be promptly informed when a student enrolled in the district commits suicide. The district, with the approval of the Superintendent, may provide support and services to school staff members and students as needed.

8. The Principal of the school the student attended may, with the approval of the Superintendent, provide any additional support and services that will assist school staff members and students in the loss.

F. Prevention of Suicide Contagion

1. School staff members, under the direction of the Principal or designee, shall attempt to prevent suicide contagion by:

   a. Avoiding the glorification or romanticization of suicide;

   b. Helping students recognize that suicide is irreversible and permanent and does not truly resolve problems;

   c. Encouraging students to ask questions when a fellow student suggests suicide and report to a school staff member;

   d. Discussing ways of handling depression and anxiety without resorting to self-destruction; and

   e. Implementing any other strategies to prevent suicide contagion.

Issued: 27 August 2020

R 5410 PROMOTION AND RETENTION

The following rules are promulgated in accordance with the policy of the Board of Education dealing with the promotion and retention of students.

A. Standards for Student Promotion

Elementary and Intermediate Grades (PreK-8) - A student will be promoted to the next succeeding grade level when he/she demonstrates the proficiencies required for movement into the next grade.

B. Procedures for Student Promotion

1. A written copy of promotion standards will be given to all parent(s) or legal guardian(s) and students at the beginning of each year.

2. Parent(s) or legal guardian(s) and students will be provided a minimum of four reports each year as to a student's progress towards meeting promotion standards.

3. Teachers who determine that a student's progress may not be sufficient to meet promotion standards shall notify the parent(s) or legal guardian(s) of the student and offer consultation with the parents or legal guardians.

4. In grades PreK-8, the parent(s) or legal guardian(s) and where appropriate the student will be notified no later than three weeks prior to the end of the year when the possibility of a student not being promoted is determined.

5. A student with fewer than 150 days attendance in grades PreK-8 will not be promoted to the next grade level.

6. Extenuating circumstances as determined by the Building Principal can waive the 150-day attendance requirements for grades PreK-8.

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

C. Procedure for Retention or Social Promotion

1. Grades PreK-8 - Classroom teachers must initiate the process by providing to the Building Principal complete forms in accordance with the specified timelines.

2. The Principal will review each case and in consultation with the teacher render a final decision.

3. Parent(s) or legal guardian(s) and adult students may appeal a promotion/retention decision to the Superintendent whose decision is final.

Adopted: 27 August 2020

R 5420 REPORTING STUDENT PROGRESS

A. Purpose

The purpose of reporting the educational progress of students is to:

1. Inform parent(s) or legal guardian(s) of the progress children have made in school;

2. Apprise students of their progress in school;

3. Prompt teachers to make periodic, formal assessments of each student's progress;

4. Provide a cumulative record of a student's progress through the educational system; and

5. Enable each student to gain a positive sense of his/her intellectual, social, emotional, and physical abilities and growth toward effective citizenship.

B. Frequency

1. Report cards will be issued at the end of each marking period.

2. The schedule of dates on which report cards will be issued will be published in the parent and student handbooks distributed by each school so that parents or legal guardians can anticipate the receipt of a report card.

3. Parent(s) or legal guardian(s) and students will be notified in writing of the possibility of a failing grade at the mid point of the marking period.

4. Parent(s) or legal guardian(s) and students will be notified in writing of the possibility of a student's retention at grade level in accordance with Policy No. 5410.

5. Nothing in this regulation should discourage teachers from implementing various forms of communication, as frequently as the circumstances dictate, to keep parent(s) or legal guardian(s) informed of the educational progress of their children.

C. Parent Teacher Conferences

Parent teacher conferences will be conducted in accordance with Policy No. 9280.

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R 5500 EXPECTATIONS FOR STUDENT CONDUCT

The following specific behaviors exemplify the conduct expected of students, in accordance with Policy No. 5500.

A. Students will prepare themselves mentally and physically for the process of learning by:

1. Being well-nourished, rested, clean, and properly dressed and groomed;

2. Being free of drugs and alcohol and refraining from smoking; and

3. Developing attitudes that will prepare them for listening, participating, and learning.

B. Students will respect the person, property, and intellectual and creative products of others by:

1. Being always honest, forthcoming, and courteous;

2. Displaying care for the property of others;

3. Acknowledging the intellectual work of others when it is incorporated into their work;

4. Accepting the rights of others to their own opinions and beliefs;

5. Resolving disputes and differences peacefully;

6. Displaying loyalty and good sportsmanship; and

7. Helping to maintain school facilities that are neat and clean.

C. Students will take responsibility for their own behavior and learning by:

1. Recognizing that academic endeavor is the primary purpose of school attendance;

2. Completing all homework, classwork, and assigned projects on time;

3. Preparing for each class by bringing necessary supplies and equipment;

4. Making personal choices that are based on sound reasoning and decision-making;

5. Accepting constructive criticism; and

6. Acknowledging and accepting the consequences of their own actions.

D. Students will use time and other resources responsibly by:

1. Attending school regularly and promptly and striving for a perfect attendance record;

2. Using study periods and library time for school work; and

3. Using books and other equipment appropriately.

E. Students will share responsibilities when working with others by:

1. Cooperating with others in the work of the group;

2. Contributing talents and services as appropriate;

3. Accepting leadership when appropriate; and

4. Respecting the rights and opinions of others in a group setting.

F. Students will meet the requirements of each course of study by:

1. Participating actively and appropriately in the scheduled class;

2. Following the rules and procedures established for the class by the teacher;

3. Bringing to class the textbook, clothing, and other materials necessary for participation; and

4. Observing school rules for the safe handling of class equipment and materials.

G. Students will monitor their own progress toward school objectives by:

1. Carefully planning courses of study and schedules;

2. Promptly seeking staff assistance as required; and

3. Maintaining records of progress.

H. Students will communicate with parent(s) or legal guardian(s) and appropriate school staff members about school matters by:

1. Discussing progress in school with parent(s) or legal guardian(s) and relaying necessary information to parent(s) or legal guardian(s);

2. Transmitting school letters, forms, and notices to parent(s) or legal guardian(s) and returning required responses to school staff members;

3. Conferring with appropriate staff members when a problem occurs; and

4. Developing with parent(s) or legal guardian(s) a clear idea of their educational goals.

R 5513 CARE OF SCHOOL PROPERTY

A. Teachers' Responsibilities

1. Teachers will exercise judgment in the entrustment of school property to students.

2. Teachers will impress upon all students the importance of the proper care of school property and instruct students in the proper use of school facilities, equipment, instructional materials, and textbooks.

3. Teachers will keep an accurate inventory of textbooks and other materials assigned to their classrooms.

B. General Rules Governing the Use of School Property

1. Students shall not deface the school building, furnishings, or equipment in any manner.

2. Students shall not use school furnishings or equipment for purposes other than those for which the furnishing or equipment was designed and intended.

3. Students will care for school textbooks in accordance with D.

C. Distribution and Collection of Textbooks and Materials

1. Each textbook will be stamped as the property of the Board of Education and marked with a number unique to that book.

2. A label will be affixed to the front of each textbook and will include:

   a. The name of the Board of Education,

   b. The name of the school,

   c. The year in which the book was purchased, and

   d. The number assigned to the book.

3. The following information will also be entered on the label each time the book is issued to a student:

a. The name of the student to whom the book is issued,

b. The date on which the book is issued to the student,

c. The condition of the book when it is issued, and

d. The condition of the book when it is returned.

4. Each classroom teacher will keep a permanent record of the textbooks used in his/her classroom. The record will include all the information listed in C2 and C3.

5. A lost textbook must be promptly reported to the teacher who issued the book. A replacement textbook will be issued immediately.

6. Textbooks will be collected and inspected before the end of the school year or marking period, as appropriate. Once inspected, a textbook will be returned to inventory until it is again distributed to a student.

7. Students must remove covers, loose papers, and markings before returning any textbook.

8. Fines will be assessed for lost and damaged textbooks in accordance with E.

D. Care of Textbooks by Students

1. Students shall take care not to lose or misplace a textbook or expose a textbook to conditions or circumstances likely to destroy, damage, or degrade it.

2. All textbooks that will be taken home by students must be protected with an appropriate cover to be supplied by the student.

3. Students should not:

a. Use pens, pencils, or other implements to mark a place in a textbook;

b. Use a textbook to file bulky papers and notes;

c. Write in textbooks; or

d. Soil textbooks beyond normal use.

E. Fines and Penalties

1. Fines will be assessed as follows for any lost textbook or textbook damaged beyond normal wear.

Loss or damage	Fine
Lost book issued in new condition	80% of list price
Lost book issued in good condition	60% of list price
Lost book issued in fair condition	40% of list price
Lost book issued in poor condition	20% of list price
Broken bindings	$1
Defaced cover	50 cents
Missing pages	25 cents per page
Loose or torn pages	10 cents per page
Marks not damaging to text	5 cents per page
Marks damaging to text	25 cents per page
Dog-eared pages	10 cents per page
Soil not damaging to text	5 cents per page
Loss or damage	Fine
Soil damaging to text	25 cents per page
Book so damaged (by water or otherwise) as to be unusable	as for lost books

2. The teacher will inspect each textbook returned and will assess a fine for each lost or damaged book. The teacher will prepare a form in triplicate that includes:

   a. The name and number of the textbook damaged or lost;

   b. The name of the student;

   c. The loss or damage to the textbook; and

   d. The amount of the fine.

3. In setting fines the teacher may take into account verified extenuating circumstances.

4. The student will take the form to the Main office and make payment of the fine assessed. The Principal will sign the form when payment is made.

5. Teachers will not collect fines.

6. Copies of the form will be distributed as follows:

   a. The Principal will retain one copy for office records.

   b. The student will be given one copy as receipt for the fine.

   c. The teacher will be given one copy as evidence that the fine has been paid.

7. A student who finds their lost textbook will be reimbursed any fine paid for the lost textbook but will be assessed a fine for any damage done to the book.

8. A student who has not paid a fine owed will not receive a diploma, transcript, transfer card, or report card until the fine has been duly paid and acknowledged.

9. If fines remain unpaid, the Principal may request payment from the parent(s) or legal guardian(s), notify the student's employer, or take such other steps as may be appropriate to ensure that moneys due the district are paid and that the importance of taking responsibility for the consequence of one's acts is instilled.

Adopted: 27 August 2020

R 5519 DATING VIOLENCE AT SCHOOL

A. Definitions

1. "At school" means in a classroom, or anywhere on school property, school bus or school-related vehicle, at an official bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.

2. "Dating partner" means any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

3. "Dating violence" means a pattern of behavior where one person threatens to use, or actually uses physical, sexual, verbal, or emotional abuse to control a dating partner.

B. Procedures for Reporting Acts or Incidents of Dating Violence

1. School staff members (administrative staff, instructional staff, support staff, and volunteers) shall take all reasonable measures to prevent acts or incidents of teen dating violence and are required to report all acts or incidents of dating violence at school.

2. All acts or incidents of dating violence at school shall be reported to the Principal or designee.

   a. This report should be made verbally as soon as possible, but no later than the end of the student's school day when the staff member witnesses or learns of an act or incident of dating violence at school.

   b. A written report regarding the act or incident of dating violence at school should be submitted to the Principal or designee by the reporting staff member no later than one day after the staff member witnesses or learns of an act or incident of dating violence at school.

3. These acts or incidents may include, but are not limited to:

   a. Witnessed or receipt of reliable information concerning acts or incidents that are characterized by physical, emotional, verbal, or sexual abuse;

   b. Digital or electronic acts or incidents of dating violence; and/or

   c. Patterns of behavior which are threatening or controlling.

C. Guidelines/Protocols for Responding to At-School Acts or Incidents of Dating Violence

1. Protocol for All School Staff Members - Any school staff member who witnesses or learns of an act or incident of dating violence at school shall take the following steps:

   a. Separate the victim from the aggressor;

   b. Speak with the victim and the aggressor separately;

   c. Speak with witnesses or bystanders separately;

   d. Verbally report the act or incident to the Principal or designee no later than the end of the student's school day;

   e. Prepare and submit a written report of the act or incident to the Principal or designee no later than one day after the act or incident occurred; and

   f. Monitor the interactions of the victim and the aggressor with student safety being the priority.

2. Protocol for Administrators/Administrative Investigation – The Principal or designee upon receiving a report of a dating violence act or incident at school shall take the following steps:

   a. Separate the victim from the aggressor, if applicable;

   b. Meet separately with the victim and the alleged aggressor;

   c. Take written statements from the victim and alleged aggressor;

   d. Review the victim's and alleged aggressor's written statements to ascertain an understanding of the act or incident. The administrator may ask questions of either individual for clarification;

   e. Further investigate the act or incident by speaking with bystanders/witnesses of the act or incident. All statements obtained from bystanders/witnesses shall be written and documented, when possible;

   f. The school administrator may make a determination to involve the school resource officer or law enforcement, if appropriate;

g. Appropriate referrals should be made if after an assessment by a school social worker, counselor, or psychologist determines the victim's or alleged aggressor's mental health has been placed at risk;

h. The Principal or designee shall contact the parents/guardians of both the victim and the alleged aggressor. The Principal or designee shall recommend a meeting be held to discuss the act or incident; and

i. The Principal or designee will notify both parties in writing of the outcome/determination of the investigation into the act or incident of dating violence at school.

3. Protocol for Working with the Victim of an Act or Incident of Dating Violence at School – The Principal or designee shall implement the following procedures for dealing with victims of a confirmed act or incident of dating violence at school:

a. A student's safety shall be the first priority in a dating violence act or incident. Interaction between the victim and the aggressor shall be avoided. The burden of any schedule changes (classroom, bus, etc.) should be taken on by the aggressor;

b. A conference shall be held with the victim and their parents/guardians;

c. Identify any means or actions that should be taken to increase the victim's safety and ability to learn in a safe and civil school environment;

d. Alert the victim and their parents/guardians of school and community based resources that may be appropriate, including their right to file charges, if the act or incident violated the law;

e. Monitor the victim's safety as needed and assist the victim with any plans needed for the school day and after-school hours (hallway safety, coordination with parents/guardians for transportation to and from school, etc.). The administration may develop a safety plan if deemed necessary;

f. The administration may develop a Stay-Away Agreement between the victim and the aggressor if deemed necessary;

g. Encourage the victim to self-report any and all further acts or incidents of dating violence that occur at school in writing to the Principal or designee; and

h. Document all meetings and action plans that are discussed.

4. Protocol for Working with the Aggressor of an Act or Incident of Dating Violence at School – The Principal or designee shall implement the following procedures for dealing with the aggressor of a confirmed act or incident of dating violence at school:

   a. Schedule a conference with the aggressor and their parents/guardians;

   b. Give the aggressor the opportunity to respond in a written statement to the allegations and the outcome/determination of an act or incident of dating violence at school;

   c. Alert the aggressor and their parents/guardians to both school and community-based support and counseling resources that are available;

   d. Identify and implement counseling, intervention, and disciplinary methods that are consistent with school policy for acts or incidents of this nature;

   e. Review the seriousness of any type of retaliation (verbal, emotional, physical, sexual, electronic/digital) toward the victim who reported the act or incident of dating violence. Address that consequences will be issued consistent with the school's student code of conduct and procedures for any type of retaliation or intimidation toward the victim; and

   f. Document all meetings and action plans that are discussed.

5. Protocol for the Documentation and Reporting of an Act or Incident of Dating Violence at School - School districts shall implement the following procedures for documenting and reporting acts or incidents of dating violence that occur at school:

   a. Dating violence statements and investigations shall be kept in files separate from student academic and discipline records to prevent the inadvertent disclosure of confidential information.

   b. Every act or incident of dating violence at school that is reported shall be documented in an appropriate manner. This documentation shall include all written statements, planning actions, consequences, and disciplinary measures as well as counseling and other support resources that were offered, prescribed, and/or provided to the victim or the aggressor.

D. Discipline Procedures Specific to At School Acts or Incidents of Dating Violence

1. The Board of Education requires its school administrators to implement discipline and remedial procedures to address acts or incidents of dating violence at school that are consistent with the school's student code of conduct.

2. The policies and procedures specific to acts or incidents of dating violence at school should be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved.

3. The responses shall be tiered with consideration given to the seriousness and number of previous occurrences of acts or incidents in which both the victim and alleged aggressor have been involved.

4. Consequences may include, but are not limited to, the following:

   a. Admonishment;

   b. Temporary removal from the classroom;

   c. Classroom or administrative detention;

   d. In-school suspension;

   e. Out-of-school suspension;

   f. Reports to law enforcement; and

   g. Expulsion.

5. Retaliation toward the victim of any act or incident of dating violence shall be considered when administering consequences to the aggressor based on the severity of the act or incident.

6. Remedial procedures/interventions may include, but are not limited to, the following:

   a. Parent conferences;

   b. Student counseling (all students involved in the act or incident);

c. Peer support group;

d. Corrective instruction or other relevant learning or service experiences;

e. Supportive student intervention (Intervention and Referral Services - I&RS);

f. Behavioral management plan; and

g. Alternative placements.

E. Warning Signs of Dating Violence

1. A pattern of behaviors may be an important sign that a student is involved in an unhealthy or abusive dating relationship. Many warning signs make a connection to one student in the relationship asserting control and power over the other. Recognizing one or more signs of teen dating violence plays an important role in preventing, educating, and intervening in acts or incidents of dating violence.

2. The warning signs listed below are to educate the school community on the characteristics a student in an unhealthy or abusive relationship might exhibit. Warning signs may include, but are not limited to, the following:

a. Name-calling and putdowns - Does one student in the relationship use name-calling or putdowns to belittle or intimidate the other student?

b. Extreme jealousy - Does one student in the relationship appear jealous when the other talks with peers?

c. Making excuses - Does one student in the relationship make excuses for the other?

d. Canceling or changing plans - Does one student cancel plans often, and at the last minute? Do the reasons make sense or sound untrue?

e. Monitoring - Does one student call, text, or check up on the other student constantly? Does one student demand to know the other's whereabouts or plans?

f. Uncontrolled anger – Does one of the students in the relationship lose his or her temper or throw and break things in anger?

g. Isolation - Has one student in the relationship given up spending time with family and friends? Has the student stopped participating in activities that were once very important?

h. Dramatic changes - Has the appearance of the student in the relationships changed? Has the student in the relationship lost or gained weight? Does the student seem depressed?

i. Injuries - Does the student in the relationship have unexplained injuries? Does the student give explanations that seem untrue?

j. Quick Progression - Did the student's relationship get serious very quickly?

F. The Principal or designee will provide to the parents/guardians of a victim or aggressor information on safe, appropriate school, family, peer, and community resources available to address dating violence.

Adopted: 27 August 2020

R 5530 SUBSTANCE ABUSE

The following procedures are established in implementation of Policy 5530, Substance Abuse.

A. Definitions

1. "Evaluation" means procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the student or the student's family.

2. "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).

3. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

4. "Referral for evaluation" means programs and services suggested to a student or his or her family in order to make a positive determination regarding a student's need for services that extend beyond the general school program.

5. "Referral for treatment" means programs and services suggested to a student or to his or her family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.

6. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School grounds" also include other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land. "School grounds" also includes athletic stadiums; swimming pools; any

associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration as defined in N.J.A.C. 6A:26-1.2.

7. "Substance" as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages, controlled dangerous substances, including anabolic steroids as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

8. "Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

9. "Under the influence" of substances means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

B. Discipline

1. Any violation of Board rules prohibiting the use, possession, and/or distribution of a substance is a serious offense, and the student who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Students who violate the substance abuse rules will be disciplined in accordance with the Student Code of Conduct.

2. In accordance with N.J.A.C. 6A:16-4.1(c), disciplinary action will be taken in the event the student does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.

C. Intervention, Referral for Evaluation, and Referral for Treatment Services

1. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.

a. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.

b. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:

(1) Provisions for a program of instruction, counseling, and related services provided by the district Board of Education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;

(2) Referral to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;

(3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or

(4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.

D. Reporting, Notification, and Examination Procedures

1. Students Suspected of Using Anabolic Steroids – N.J.A.C. 6A:16-4.3(b)

a. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the Principal or, in the Principal's absence, to a person designated by the Principal and either the certified or non-certified school nurse, the school physician, or the student assistance coordinator.

b. In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement, the Principal or designee shall immediately notify the student's parent and the Superintendent. The Principal or designee shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.

(1) If the physician chosen by the parent is not available to perform the examination, the examination shall be conducted by the school physician or other physician identified by the Principal.

(2) The student shall be examined as soon as possible for the purpose of determining whether the student has been using anabolic steroids.

c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids.

(1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.

d. The examining physician shall provide to the parent, Principal, and Superintendent a written report of the examination.

e. If it is determined the student has used anabolic steroids, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.

(1) To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse.

f. If results of a referral for evaluation positively determine the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, the school staff member(s) identified in D.1.e. above who is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.

2. Students Suspected of Being Under the Influence of Alcohol or Other Drugs Other Than Anabolic Steroids – N.J.A.C. 6A:16-4.3(a)

a. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the Principal or, in his or her absence, to his or her designee and either the certified school nurse, non-certified school nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.

(1) In instances where the Principal and either the certified school nurse, non-certified school nurse, school physician or the student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.

(2) The referring staff member shall file with the Principal a report describing the incident. The form shall include all information necessary for a complete, accurate reporting on the Student Safety Data System (SSDS) according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.

b. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the Principal or designee shall:

(1) Immediately notify the student's parent and the Superintendent or designee;

(2) Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids; and

(3) Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.

c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs.

(1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

d. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.

(1) The parent will be provided, in writing, the minimum requirements for the immediate medical examination, which will include, but not be limited to, the substances to be tested by the physician, the cut-off levels of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.

(2) The examination shall be at the expense of the parent and not the district Board of Education.

e. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.

(1) If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the Principal to the emergency room of the nearest hospital for examination.

(2) The student's parent, if available, shall also accompany the student.

(3) When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district Board of Education.

f. The Board of Education will have a plan in place for the appropriate supervision of the student:

(1) While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or the physician in an emergency room; and

(2) Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.

g. A written report of the medical examination of the student shall be furnished to the student's parent, the Principal, and the Superintendent of Schools by the examining physician within twenty-four hours of the referral of the student for suspected alcohol or other drug use.

(1) The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report. The minimum requirements for the examination will be periodically reviewed and updated as needed.

(2) The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.

h. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the school district will require the parent to verify within twenty-four hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with this Policy.

(1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided.

(2) Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.3(d).

i. If the written report of the medical examination is not submitted to the parent, Principal, and Superintendent within twenty-four hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.

j. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student will be immediately returned to school.

k. If there is a positive determination from the medical examination, indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:

(1) The student will be returned as soon as possible to the care of the parent;

(2) Attendance at school shall not resume until a written report has been submitted to the parent, the Principal, and Superintendent from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school.

(a) The report shall verify that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.

(3) Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.

l. While the student is home because of the medical examination or after the student returns to school, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall:

(1) Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.

(a) The findings of the assessment alone shall not prevent a student from attending school; and

(2) Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral, and continuity of care for alcohol or other drug abuse treatment.

m. While the student is at home because of the medical examination or after his or her return to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.

(1) The findings of these additional evaluations alone shall not be used to prevent a student from attending school.

n. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

E. Handling of Alcohol or Other Drugs

1. A student's person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools.

2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.

a. The Principal or designee shall immediately notify the Superintendent or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

b. In accordance with the provisions of N.J.A.C. 6A:16-6.4(a), the school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.

c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:

(1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and

(2) The identity of the student believed to have been in possession of the substance or paraphernalia.

d. The Principal or designee shall not disclose the identity of a student who voluntarily and on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee, provided there is reason to believe the student was involved with the alcohol, other drug, or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student agrees to participate in an appropriate treatment or counseling program.

(1) For the purposes of N.J.A.C. 6A:16-6.4, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

F. Reporting Students to Law Enforcement Agencies

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.

2. Either the Principal or the responsible staff member shall notify the Superintendent, who in turn shall notify as soon as possible the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.

3. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the student involved.

4. The Superintendent or designee; however, shall not disclose the identity of a student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.

5. For the purpose of N.J.A.C. 6A:16-6.3, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

6. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids. The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.

7. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and N.J.A.C. 6A:16-4.3(b)3i and N.J.A.C. 6A:16-4.3(a)4, was obtained as a result of the district Board of Education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

G. Parent Training Program/Outreach Programs

1. A substance abuse training program will be offered to the parents of students enrolled in the district. The program will be offered at times and places convenient to parents and on school premises or in other suitable facilities.

2. The program shall, at a minimum, provide:

a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year, with recommendations as to the ways in which the parent may enhance, reinforce, and supplement that program;

b. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;

c. Instruction to assist the parent in the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuse;

d. Information on the State, local, and community organizations which are available for the prevention, early intervention, treatment, and rehabilitation of individuals who show symptoms of substance abuse; and

e. A review of the Board Policy and Regulation on substance abuse with attention to the role of parents.

3. The Board will establish an outreach program to provide substance abuse education for the parents of students in the district. In establishing the program, the Board shall consult with such local organizations and agencies as are recommended by the Commissioner. The Board shall insure the program is offered at times and places convenient to the parents of the district on school premises, or at other suitable facilities.

a. In addition to the substance abuse education program required pursuant to N.J.S.A. 18A:40A-17, the Board shall provide assistance to parents who believe that their child may be involved in substance abuse.

H. Records and Confidentiality of Records

1. Notations concerning a student's involvement with substances may be entered on his/her records, subject to N.J.A.C. 6A:32-7.1 et seq. and Policy 8330.

2. Information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.

3. If a student involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session which indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:

   a. Subject to the student's written consent, to another person or entity whom the student specifies in writing in the case of a secondary student, or to a member of the student's immediate family or the appropriate school personnel in the case of an elementary student;

   b. Pursuant to a court order;

   c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the student or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or

   d. To the Division of Child Protection and Permanency (DCP&P) or to a law enforcement agency, if the information would cause a person to reasonably suspect that the student or another child may be an abused or neglected child in accordance with statute or administrative code.

   Any disclosure made pursuant to H.3.a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the student's written consent. The disclosure must be accompanied by a written statement from the Superintendent or designee advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by N.J.S.A. 18A:40A-7.1 et seq. and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

   Nothing in this Policy or Regulation prevents the DCP&P or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy or Regulation shall be construed as authorizing the violation of any Federal law.

The prohibition on the disclosure of information provided by a student shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a student in violation of this Policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

4. Each incident of substance abuse shall be reported to the Commissioner on the SSDS.

Adopted: 27 August 2020

R 5533 STUDENT SMOKING

The Board of Education is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education. The school administration and all school staff members shall strictly enforce this smoking prohibition and will work together to ensure students do not smoke in violation of Board Policy 5533 and the law.

A. Notice Provisions

1. A sign shall be posted in every school building indicating smoking is prohibited in any school building or on school grounds. The sign shall also indicate violators will be subject to a fine.

2. Each school's student handbook will indicate smoking is prohibited on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education.

3. A public address announcement will be made, when practicable, at school-sponsored events indicating smoking is prohibited in school buildings and on school grounds.

B. Reporting Procedures

1. Any teaching staff member who observes a student smoking in violation of Policy 5533 shall inform the student to cease smoking and report the violation to the Principal or designee.

2. Any support staff member who observes a student smoking in violation of Policy 5533 shall either inform a teaching staff member, who shall report the violation to the Principal or designee or the support staff member may report the violation directly to the Principal or designee.

3. The Principal or designee will investigate each report received from a staff member and make a determination whether the student has violated Board Policy 5533.

C. Violation Consequences

1. In the event the Principal or designee determines a student has violated Policy 5533, the student will be assigned appropriate discipline in accordance with the school's student discipline/code of conduct.

2. The Principal or designee will notify the student's parent(s) or legal guardian(s) when discipline is being imposed for a violation of Policy 5533.

Issued: 27 August 2020

R 5550 DISAFFECTED STUDENTS

A. Grades Kindergarten through 6

1. Each student's work habits, behavior, products, and records will be continually monitored for signs of disaffection by teaching staff members responsible for the student's instructional program. Such signs of disaffection might include, but need not be limited to, the student's:

   a. Working below potential set by IQ indicators,

   b. Depressed standard test scores,

   c. Excessive absenteeism or truancy,

   d. Change in personality or work habits,

   e. Marked irritability, lassitude, or hypersensitivity.

2. The teacher or other professional staff member who observes signs that a student may be disaffected will confer with the Principal or designee. If it is determined that concern about the student's welfare is warranted, the student's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the student's disabling attitude will be proposed.

3. Once a student is identified as disaffected, steps to offset the effects of disaffection may be initiated. Such steps may include:

   a. A meeting with the learning disabilities teacher consultant to help teachers shape classroom strategies that might reduce disaffection,

   b. Building on the student's strengths to help bolster his/her sense of self-worth,

   c. Providing instructional alternatives to stimulate the student's interest by utilizing such devices as calculators, computers, educational games, and teaching machines,

   d. Assigning the student to another teacher,

   e. Transferring the student to another school in the district, and/or

   f. Referring the student to the Child Study Team.

B. Grades 7 and 8

1. A disaffected student in the middle school may be identified by one or more of the following signs:

   a. Argumentative behavior and truculence,

   b. Willful disregard of school rules and lack of concern for others,

   c. Disrespect for authority figures,

   d. Excessive absenteeism or truancy,

   e. Acting-out and/or aggressive behavior, and

   f. Working below his/her potential.

2. The teacher or other professional staff member who observes signs that a student may be disaffected will confer with the Principal or designee. If it is determined that concern about the student's welfare is warranted, the student's parent(s) or legal guardian(s) will be called in and made aware of the problems, and steps to deal with the student's disabling attitude will be proposed.

3. Once a student is identified as disaffected, the following steps will be taken:

   a. The student will be referred to the school guidance office for counseling where:

      (1) The parent(s) or legal guardian(s) may be asked to seek outside support services; and/or

      (2) The teaching staff members responsible for the student may be asked to observe the student, formally monitor his/her progress, and report regularly to the guidance counselor.

   b. The student's schedule may be modified as necessary,

   c. The learning disabilities teacher-consultant may be consulted, and

   d. The student may be referred to the Child Study Team.

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R 5560 DISRUPTIVE STUDENTS

A. Grades Kindergarten through 6

1. Any of the following signs may indicate a disruptive student in the elementary grades:

   a. Unsatisfactory grades in citizenship or work habits,

   b. A worsening negative attitude,

   c. Disobedience and willful disregard of rules,

   d. Lack of concern for the rights of others,

   e. Argumentative behavior and truculence,

   f. Disregard for authority, or

   g. Fighting with classmates.

2. Any of the following steps may be followed, singly or in combination, to deal with the elementary student who has been identified as disruptive:

   a. After-school detention

   b. Use of behavior modification as well as other techniques designed to change disruptive classroom displays,

   c. Intervention by the Principal,

   d. Parent-teacher conference,

   e. Suspension, in accordance with Policy No. 5610, and

   f. Referral to the Child Study Team.

B. Grades 7 and 8

1. Any of the following signs may indicate a disruptive student in the middle school:

   a. Argumentative behavior and truculence,

   b. Willful disregard of school rules and lack of concern for others,

c. Disrespect for authority figures,

d. Excessive absence or truancy,

e. Acting-out and/or aggressive behavior, or

f. Difficulty with community or law enforcement agencies.

2. Any of the following steps may be used singly or in combination to deal with the disruptive student in the middle school:

a. Detention after school during which time the student may be admonished about his/her conduct in the classroom,

b. Referral to the school's guidance counselor for counseling,

c. Conference among the teacher, guidance counselor, and parent(s) or legal guardian(s),

d. Referral to the Vice Principal when the student is constantly disruptive or causes major infractions of the school rules,

e. In-school suspension during which the student is placed under the supervision of a teacher, isolated from the mainstream, and assigned school work to complete,

f. Home suspension, in accordance with Policy No. 5610, when other alternatives fail to curb the student's disruptiveness, and

g. Referral to the Child Study Team.

R 5561 USE OF PHYSICAL RESTRAINT AND SECLUSION TECHNIQUES FOR STUDENTS WITH DISABILITIES

A. Definitions

"Mechanical Restraint" means the use of any device or equipment to restrict a student's freedom of movement, but does not include devices implemented by trained school personnel, or utilized by a student that has been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical mobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

"Physical restraint" means the use of a personal restriction that immobilizes or reduces the ability of a student to move all or a portion of his or her body.

"Seclusion technique" means the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving**,** but does not include a timeout.

"Timeout" means a behavior management technique that involves the monitored separation of a student in a non-locked setting and is implemented for the purpose of calming.

B. Physical Restraint

A school district, an educational services commission, or an approved private school for students with disabilities (APSSD) that utilizes physical restraint on students with disabilities shall ensure that:

1. Physical restraint is used only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

2. A student is not restrained in the prone position, unless the student's primary care physician authorizes, in writing, the use of this restraint technique;

3. Staff members who are involved in the restraint of a student receive training in safe techniques for physical restraint from an entity determined by the Board of Education to be qualified to provide such training, and that the training is updated at least annually;

4. The parent of a student shall be immediately notified when physical restraint is used on the student. This notification may be by telephone or electronic communication. In addition, a post-incident written notification report of the incident of physical restraint shall be provided to the parent within forty-eight hours of the occurrence of the incident.

    a. The post-incident written notification report shall include, but not be limited to, details regarding the nature of the behavior that precipitated the use of the restraint; the staff involved; and recommendations for follow-up activities including, if appropriate, revisions to the student's individualized education plan (IEP) or administration of a functional assessment.

    b. The post-incident written notification report shall be maintained in a manner consistent with State and Federal regulations regarding the confidentiality of student records, while also serving as a mechanism for gathering data which allows the IEP team to make informed decisions regarding the student's needs.

5. Each incident in which physical restraint is used is carefully and continuously visually monitored to ensure it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities, developed in conjunction with the entity that trains staff in safe techniques for physical restraint, in order to protect the safety of the child and others; and

6. Each incident in which physical restraint is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the behavior intervention plan (BIP) at the next IEP meeting.

   a. Each incident that requires the use of restraint shall be documented in a manner that supports informed data-driven decision making by school staff including the IEP team.

   b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with staff, reflections on adherence to the IEP and district procedures, and specific follow-up that will take place including, if appropriate, an IEP team meeting.

   c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual student's BIP and the school district's procedures. Any reviews should be conducted across sub-groups and involve staff, Child Study Team members, and administration.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of physical restraints through inclusion of positive behavior supports in the student's BIPs developed by the IEP team.

C. Seclusion

A school district, an educational services commission, or an APSSD that utilizes seclusion techniques on students with disabilities shall ensure that:

1. A seclusion technique is used on a student with disabilities only in an emergency in which the student is exhibiting behavior that places the student or others in immediate physical danger;

2. Each incident in which a seclusion technique is used is carefully and continuously visually monitored to ensure that it was used in accordance with established procedures set forth in Policy and Regulation 5561 – Use of Physical Restraint and Seclusion Techniques for Students with Disabilities; and

3. Each incident in which a seclusion technique is used is documented in writing in sufficient detail to enable staff to use this information to develop or improve the BIP at the next IEP meeting.

   a. Each incident that requires the use of a seclusion technique shall be documented in a manner that supports informed data-driven decision making by school staff including the IEP team.

   b. The data collected through this process shall include, but not be limited to, the location of the incident, persons involved, triggering events, prevention, redirection or de-escalation techniques utilized during the incident, a description of any injuries or physical damage that occurred, observational data or monitoring data taken during the incident, debriefing with staff, reflections on adherence to the IEP and district procedures, and specific follow-up that will take place including, if appropriate, an IEP team meeting.

   c. Data shall be reviewed on a continual basis to determine the effectiveness of the individual student's BIP and the school district's procedures. Any reviews should be conducted across sub-groups and involve staff, Child Study Team members, and administration.

A school district, an educational services commission, and an APSSD shall attempt to minimize the use of seclusion techniques through inclusion of positive behavior supports in the student's BIP developed by the IEP team.

D. Interventions

1. Classroom interventions may include, but not be limited to, the following strategies:

   a. The staff member may ignore the behavior;

   b. The staff member may redirect the student to a task with verbal or non-verbal prompts or gestures. Proximity and the use of gentle humor may help, when appropriate;

   c. The staff member shall be clear, polite, and respectful when redirecting the student's behavior. The staff member should make eye contact and tell the student what to do such as "I can't teach when you are talking, throwing things, …" or "Please stop and listen, read, write, ..." The staff member should remind the student of consequences for non-compliance and rewards if they comply with the staff member's request;

d. The staff member shall be polite at all times. The staff member may repeat steps a. through c. above and quietly give the student adequate wait time. If the staff member moves on, the student may comply after the initial confrontation if attention goes back to the lesson;

e. The staff member may advise the student to proceed to a time out area in the classroom for a limited time (elementary and middle school); and

f. If classroom removal is required, the staff member shall follow school discipline procedures for notification and request for assistance if necessary.

2. Security interventions may include, but are not limited to, the staff member:

a. Standing quietly in the doorway and asking the student to accompany the staff member; and

b. Informing the student of the violation of the school discipline code and procedure and assure the student they have the choice to leave the classroom quietly.

E. Use of Physical Restraint

1. If necessary, the staff member shall restrain the student until the emergency no longer exists (i.e. the student stops punching, kicking, spitting, damaging property, etc.).

2. The school staff member shall immediately contact the appropriate administrator and school nurse and complete a written report on the physical restraint the staff member used during the emergency situation.

3. The Principal's or designee's or any school staff member's report regarding the incident shall be documented in writing in sufficient detail to enable staff to use this information to develop or improve the BIP at the next IEP meeting. The documentation of physical restraint shall be placed in the student's school file.

4. The use of physical restraint is subject to the following additional requirements:

a. Physical restraint techniques shall consider the student's medical conditions and shall be modified as necessary;

b. Students shall not be subjected to physical restraint for using profanity, other verbal displays or disrespect, or for non-compliance. A verbal threat will not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat;

c. In determining whether a student who is being physically restrained should be removed from the area where the restraint was initiated, the supervising staff should consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of the other students in the vicinity;

d. A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing harm to himself/herself, others, or imminent property destruction; and

e. The student shall be examined by the school nurse after any restraint.

F. Restraint and Seclusion Training Requirements

1. All staff members working directly with students with disabilities shall receive training on Policy and Regulation 5561 and in safe techniques for physical restraint and seclusion from an entity determined by the Board of Education to be qualified to provide such training.

a. The Principal or designee shall determine the school staff members that shall receive restraint and seclusion training.

b. The training shall be identified in the school district's professional development plan and should be considered as a topic for ongoing professional learning communities (PLCs).

c. The training shall emphasize the use of appropriate de-escalation techniques and the use of Positive Behavior Supports (PBS) as mechanisms to avoid the need for the use of physical restraint and seclusion.

d. Training may include current professionally accepted practices and standards regarding behavior management.

e. The training program shall be updated at least annually.

2. In addition to district-wide training and PLCs, the Board may also consider additional training for all staff members who will be responsible for implementing the IEPs which include BIPs for students with disabilities.

   a. This additional training should include a framework that emphasizes de-escalation techniques, identifying PBSs, and behavior strategies which support appropriate behavior in all school settings.

   b. Staff members responsible for implementing BIPs for student IEPs should be trained on the use of continuous monitoring techniques and the collection of data which can be used to inform decision making regarding the continued use of restraint and seclusion.

3. Training for school administrators shall include information on the effectiveness of school-wide positive behavior programs, a tool for evaluating the effectiveness of the Policy and Regulation 5561, and a tool for evaluating the effectiveness of the school district's trainings.

Issued: 27 August 2020

R 5600 STUDENT DISCIPLINE/CODE OF CONDUCT

A. Purpose

The Student Code of Conduct and this Regulation are established to achieve the following purposes:

1. Foster the health, safety, social, and emotional well-being of students;

2. Support the establishment and maintenance of civil, safe, secure, supportive, and disciplined school environments conducive to learning;

3. Promote achievement of high academic standards;

4. Prevent the occurrence of problem behaviors;

5. Establish parameters for the intervention and remediation of problem student behaviors at all stages of identification; and

6. Establish parameters for school responses to violations of the code of student conduct that take into account, at a minimum, the severity of the offenses, the developmental ages of student offenders and students' histories of inappropriate behaviors in accordance with N.J.A.C. 6A:16-7.2 through 7.9, as appropriate.

B. Goals

1. Creation and preservation of a safe, orderly environment conducive to learning on all areas of school property and within all school activities and functions on-site and off.

2. Understanding of the social contract inherent in all civilized society whereby the individual foregoes certain acts so as to enjoy and receive the benefits of belonging to society. Within the context of the school, any individual must conform to expectations to be a part of the school; that individual will receive the benefits of that school in part on the basis of that conformation with expectations, including the discipline code. Besides this conceptual framework, the specific provisions and workings of the discipline code shall be known to all by inclusion in appropriate handbooks, postings, class discussions, and parent meetings.

3. The prompt, fair and consistent enforcement of all expectations.

4. The creation of opportunities for students to be of service to others. To practice good citizenship and to work toward the improvement of discipline in themselves and others.

5. The provision of programs to train students, parents, faculty and others in ways that will help them manage successfully their own behavior and the behavior of others in their school or family settings.

6. The gathering of information and opinions in a systematic manner so as to develop meaningful data as to the effectiveness, fairness and acceptance of this discipline code. Surveys and records will be compiled so that consistency, fairness, and effectiveness can be evaluated both objectively and subjectively from the varying points of view of students, parents, teachers, administrators and others.

C. General Principles

1. All persons in the school in any capacity (student, staff member, parent, visitor, etc.) have an affirmative duty to work toward the enhancement of safety and order.

2. All persons in the schools in any capacity have an affirmative duty to act in a way that will create and protect learning opportunities for themselves and others.

3. All persons in the schools in any capacity are individuals responsible for their acts. The acts or statements of others, including parents, will not excuse or mitigate unacceptable behavior in the schools. The expectations at school may need to be more stringent or otherwise at variance with the expectations in the homes of the students or elsewhere. As just one specific example, defending oneself physically shall not be acceptable behavior if escape without injury is possible notwithstanding any alternative view a child may receive at home or elsewhere.

4. Any person unable or unwilling to conform to these principles is not appropriately placed in the mainstream public school setting. The Little Ferry Public Schools cannot be designed, equipped, or staffed to keep such a person from harming himself/herself or others.

5. The Little Ferry Public Schools will cooperate fully with the police, DCP&P, and other law enforcement or social service agencies. Any sanction resulting from criminal convictions or other agency action will not necessarily relieve a student from sanctions within the school system as well.

6. Any person with knowledge or otherwise in a position to prevent, to report, to limit the impact, or to mitigate a violation of this disciplinary code has an absolute duty to make an immediate and complete report to a teacher or other person in authority. Failure to do so is a violation of this discipline code.

7. The discipline code may not anticipate all situations. A Principal may waive or modify any provision of this code if unusual circumstances make that change advisable for sound educational and safety reasons. Any deviation from this code; however, is conditional upon the immediate report to and approval by the Superintendent of Schools.

8. The discipline code shall apply to all students in the Little Ferry Public Schools with the exception of those students with educational disabilities whose individualized education programs expressly include exemption from the discipline code.

D. Expectations for Academic Achievement, Behavior, and Attendance

All students have a responsibility to comply with State statutes and administrative codes for academic achievement, behavior, and attendance, pursuant to N.J.A.C. 6A:32-8 and 12.1.

E. Behaviors That May Result in Suspension or Expulsion

In accordance with the provisions of N.J.S.A. 18A:37-2, any student who is guilty of continued and willful disobedience, open defiance of the authority of any teacher or person having authority over the student, the habitual use of profanity or of obscene language, or who shall cut, deface or otherwise injure any school property, shall be liable to punishment and to suspension or expulsion from school. Conduct which shall constitute good cause for suspension or expulsion of a student guilty of such conduct shall include, but not be limited to, any of the following:

1. Continued and willful disobedience;

2. Open defiance of the authority of any teacher or person, having authority over the student;

3. Conduct of such character as to constitute a continuing danger to the physical well-being of other students;

4. Physical assault upon another student;

5. Taking, or attempting to take, personal property or money from another student, or from the student's presence, by means of force or fear;

6. Willfully causing, or attempting to cause, substantial damage to school property;

7. Participation in an unauthorized occupancy by any group of students or others of any part of any school or other building owned by any school district, and failure to leave such school or other facility promptly after having been directed to do so by the Principal or other person then in charge of such building or facility;

8. Incitement which is intended to and does result in unauthorized occupation by any group of students or others of any part of a school or other facility owned by any school district;

9. Incitement which is intended to and does result in truancy by other students;

10. Knowing possession or knowing consumption without legal authority of alcoholic beverages or controlled dangerous substances on school premises, or being under the influence of intoxicating liquor or controlled dangerous substances while on school premises; and

11. Harassment, intimidation, or bullying.

Students shall also be suspended from school for assault upon a school staff member in accordance with the provisions of N.J.S.A. 18A:37-2.1 and 2.2.

F. Students' Rights

Students subject to the consequences of the Student Discipline/Code of Conduct Policy and Regulation shall be informed of their rights, pursuant to N.J.A.C. 6A:16-7.1(c)3.i. through vii., that include:

1. Advance notice of behaviors that will result in suspensions and expulsions that have been identified under authority of N.J.S.A. 18A:37-2;

2. Education that supports students' development into productive citizens;

3. Attendance in safe and secure school environments;

4. Attendance at school irrespective of students' marriage, pregnancy, or parenthood;

5. Due process and appeal procedures, pursuant to N.J.A.C. 6A:3-1.3 through 1.17, N.J.A.C. 6A:4 and, where applicable, N.J.A.C. 6A:14-2.7 and 2.8, and N.J.A.C. 6A:16-7.2 through 7.5;

6. Parent notification consistent with the policies and procedures established pursuant to N.J.A.C. 6A:16-6.2(b)3 and N.J.A.C. 6A:16-7.1 through 7.9; and

7. Protections pursuant to 20 U.S.C. § 1232g, Family Educational Rights and Privacy Act; 34 CFR Part 99, Family Educational Rights and Privacy; 20 U.S.C. § 1232h, Protection of Student Rights; 34 CFR Part 98, Student Rights in Research, Experimental Programs and Testing; P.L. 104-191, Health Insurance Portability and Accountability Act; 45 CFR Part 160, General Administrative Requirements; 20 U.S.C. § 7165, Transfer of school disciplinary records; 42 CFR Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; N.J.S.A. 18A:40A-7.1, Confidentiality of certain information provided by students, exceptions; N.J.A.C. 6A:16-3.2, Confidentiality of student alcohol and other drug information; N.J.S.A. 18A:36-19, Student records, creation, maintenance and retention, security and access, regulations, nonliability; N.J.S.A. 2A:4A-60, Disclosure of juvenile information, penalties for disclosure; N.J.A.C. 6A:32-7, Student Records; N.J.A.C. 6A:14-2.9, Student records, as well as other existing Federal and State laws and rules pertaining to student protections.

G. Comprehensive Behavioral Supports

Below are behavioral supports that promote positive student development and the students' abilities to fulfill the behavioral expectations established by the Board. These behavioral supports may include, but are not limited to, the following:

1. Positive Reinforcement for Good Conduct and Academic Success

A student will be provided positive reinforcement for good conduct and academic success which may include, but are not limited to:

a. Positive verbal reinforcement;

b. Appropriate age/grade level privileges determined by the Principal or designee;

c. Positive notes/calls home;

d. Special awards/certificates.

2. Supportive Interventions and Referral Services

A student may be referred to the school's Intervention and Referral Services Team in accordance with the provisions of N.J.A.C. 6A:16-8.1 and 8.2 and Policy and Regulation 2417.

3. Remediation of Problem Behavior

The following actions may be taken to remediate problem behavior. These actions will take into account the behavior's nature, the students' developmental ages, and the students' histories of problem behaviors and performance.

a. Restitution and Restoration

(1) A student may be required to make restitution for any loss resulting from the student's conduct; or

(2) A student may be required, at the discretion of the school district and when appropriate, to restore to its former condition any damaged or defaced property resulting from the student's conduct.

b. Counseling

(1) A student may be required to consult with school guidance counselors or Child Study Team members.

(2) The counselor will explain why the student's conduct is unacceptable to the school and damaging to the student, what the consequences of continued misconduct are likely to be, and appropriate alternative behaviors.

(3) The counselor may refer the student, as appropriate, for additional counseling, evaluation, intervention, treatment, or therapy. Referrals may be made to the Child Study Team, the school's Intervention and Referral Services Team, a public or private social agency, a legal agency, or any other referral service that may assist the student.

c. Parent Conferences

(1) Students may be required to attend a meeting with their parent and appropriate school staff members to discuss the causes of the student's behavior, possible remediation, potential disciplinary measures, and alternative conduct.

d. Alternate Educational Program

(1) Students may be assigned to an alternate educational program as recommended by the student's guidance counselor, classroom teacher, Child Study Team, and/or other school staff member.

4. Students with Disabilities

For students with disabilities, the remedial measures and behavioral interventions and supports shall be determined and provided pursuant to N.J.A.C. 6A:14.

H. School Responses to Violations of Behavioral Expectations

1. In accordance with the provisions of N.J.A.C. 6A:16-7.1(c)5, the Student Code of Conduct shall include a description of school responses to violations of behavioral expectations established by the Board of Education that, at a minimum are graded according to the severity of the offenses, and consider the developmental ages of the student offenders and their histories of inappropriate behavior that shall:

   a. Include a continuum of actions designed to remediate and, where necessary or required by law, to impose sanctions;

   b. Be consistent with other responses, pursuant to N.J.A.C. 6A:16-5.5;

   c. Provide for equitable application of the Code of Student Conduct without regard to race; color; religion; ancestry; national origin; nationality; sex; gender; sexual orientation; gender identity or expression; marital, domestic-partnership, or civil union; mental, physical, or sensory disability; or any other distinguishing characteristic, pursuant to N.J.S.A. 10:5-1 et seq. and

   d. Be consistent with provisions of N.J.S.A. 18A:6-1, Corporal Punishment of Students.

I. Description of School Responses

School responses to violations of behavioral expectations are listed below:

1. Admonishment/Reprimand

   a. A school staff member in authority may admonish or reprimand a student's unacceptable conduct and warn the student that additional misconduct may warrant a more severe penalty.

2. Temporary Removal from Classroom

   a. The classroom teacher may direct the student report to the office of the administrator in charge of student discipline.

   b. The teacher will complete a form that indicates the student's name and the conduct that has caused the student's removal from the teacher's room.

   c. The administrator in charge of discipline will interview the student and determine which, if any, additional consequences shall be imposed.

3. Meeting with School Administration and Parent

   a. The student's parent may be required to attend a meeting with the Principal or designee and the student to discuss the student's conduct and to ensure the parent and the student understand school rules and expectations.

4. Deprivation of Privileges

   a. Students may be deprived privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment. These privileges may include, but are not limited to:

      (1) Moving freely about the school building;

      (2) Participation in co-curricular or inter/intrascholastic activities;

      (3) Attendance at a school-related social or sports activity;

      (4) Participation in a graduation ceremony;

      (5) Transportation to and from school on a school bus; or

      (6) Any other privilege the Building Principal or designee determines may be appropriate and consistent with Policy and Regulation 5600 and N.J.A.C. 6A:16-7.1 et seq.

5. Detention

   a. A student may be required to report before or after the school day to detention. This detention may be assigned by the teacher or the Principal or designee.

   b. Transportation to detention before school or from detention after school will be the responsibility of the parent.

   c. A student may be excused from detention only for an unavoidable commitment previously made; any such excused detention must be made up on another day.

6. Grade Adjustment

   a. A student who has cheated on a test or assignment, plagiarized material, falsified sources, refused to submit assignments, or otherwise indulged in academic dishonesty or negligence may suffer a reduced grade by virtue of the disqualified work. In no other instance may a student's grade be lowered as a direct penalty for misconduct.

7. In-school Suspension

   a. If the school operates an in-school suspension program, a student may be removed from his/her regular classes and required to report to the in-school suspension program.

   b. In-school suspension will not be imposed without the due process procedures set forth in Policy and Regulation 5610.

8. Suspension from School

   a. A student may be denied the right to attend school for a period of time pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.2 and 6A:16-7.3, and Policy 5610.

   b. Suspension from school will not be imposed without the due process procedures set forth in Policy and Regulation 5610.

9. Expulsion

   a. The Board may expel a general education student from school, pursuant to N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.

   b. Expulsion is an extremely serious disciplinary measure and will not be imposed without the due process set forth in Policy and Regulation 5610 and Policy 5620.

J. Chart of Discipline

The administration reserves the right to assign consequences to offenses not listed below or to adjust particular consequences where the severity of the offense warrants.

Point Forgiveness

Two points are forgiven for every month from the date of the last violation, provided the student commits no additional violations. If the student commits an additional violation during the next month, no points are forgiven and points from a new violation are added to those from previous violations.

* May require a risk assessment
** Authorities may be notified
*** May lose technology privileges

Student Conduct/Discipline

The administration reserves the right to assign consequences to offenses not listed below or to adjust particular consequences where the severity of the offense warrants.

Student conduct is almost never black and white, and the school will provide due diligence in any investigation. The school is not a court of law, and they look for a preponderance of the truth in any situation. The school does not discriminate based on gender, age, religious orientation, or any other protected class, and the policies and practices are implemented without regard to membership in such groups. The school does not make public the disciplinary actions that they impose on a student, even to the family of a victim if there is one. The school respects the privacy of all students.

Point System

The following point system was developed by the Little Ferry Public School system in order to make the disciplinary process clearer, more consistent and more predictable for students, parents and staff. Under the point system, a student found responsible for violating the code of conduct policy is assigned points according to the table below.

* Points are cumulative.

- 4 points, students are assigned an after school detention.
- 6 points, students are assigned one day of in-school suspension.
- 10 points, loss of after school activities and after school detention.
- 15 points, removed from all activities including, but not limited to, extra-curricular activities, upcoming field trips and graduation. In addition to loss of privileges, each infraction requires one day of after school detention.

1. Below is a Chart of Student Discipline listing school responses to violations of behavioral expectations. These behavioral expectations and school responses include, but are not limited to:

Violations	Point Value
Aggressive behavior to self/others	2
Assault	6
Being in an unauthorized area	1
Bomb threat/false fire alarm/arson	4
Cheating	1
Conduct physically dangerous to self or others	*4
Creating disturbances, refusal to follow directions, lack of cooperation	1
Creating social media accounts with intent to harass, gossip, and/or spread rumors	2
Cursing or using abusive language towards a staff member	3
Cutting school	*6
Defiance of Authority	3
Disrespect to a staff member	2
Disruptive behavior in detention/ISS room	2
Eating in an unauthorized area	1
Failure to attend school detention	2
Fighting	6
Forging a parent/teacher signature	2
Gum chewing	1
Inappropriate physical contact with a student (touching, tripping, hitting, etc.)	3
Inappropriate sexual contact	**6
Insubordination	2
Leaving class, cafeteria or recess without permission	2
Leaving school without permission	3
Lunchroom/Cafeteria disruption	2
Misbehaving in class or on school grounds	1
Misbehavior on a school bus/field trip	2
Misuse of the computer network/computers	**3
Non-cooperation with faculty or staff	1
Not reporting to teacher issued detention	1
Not reporting to the Main office when sent	1

Violations	Point Value
Obscene Language/Gestures (including Social Media)	2
Pantsing another student	2
Possession of tobacco/alcohol/drugs/vaping devices	**2
Pushing/shoving/initiating physical contact	1
Running in the halls, hanging from doorways	1
Stealing	**2
Taking or attempting to take personal property or money from a student or staff member	3
Throwing Objects	1
Use of cell phones, or any other electronic devices	1
Using an unassigned locker	1
Using lockers at unauthorized times	1
Vandalizing/defacing school property (will include repayment for damages)	**6
Verbally threatening to a staff member	3
Violating the dress code	1

Tardy Chart

1st Tardy	Student receives a verbal warning, parent is contacted.
2nd Tardy	Student receives a verbal warning, parent is contacted.
3rd Tardy	Student receives one day of after school detention. Parent is contacted.
4th Tardy	Student receives one day of after school detention. Parent is contacted.
5th Tardy	Student receives one day of after school detention. A parent meeting is requested.
6th Tardy	Student receives two days of after school detention. Parent is contacted.
7th Tardy	Student receives two days of after school detention. Parent is contacted.
8th Tardy	Student receives two days of after school detention. Parent is contacted. Student is referred to I&RS.
9th Tardy	Student receives two days of after school detention. Parent is contacted.
10th Tardy	Student receives one day of ISS. Parent is contacted. Loss of all privileges including but not limited to field trips, extra-curricular activities and graduation.
Tardies reset when a student isn't marked tardy for 60 calendar days.	

2. The school responses to violations of behavioral expectations that are subject to student discipline including suspension or expulsion pursuant to N.J.S.A. 18A:37-2 outlined in a Chart of Student Discipline shall be consistent with the Board's policies and regulations/procedures on attendance, pursuant to N.J.A.C. 6A:16-7.6 and harassment, intimidation, and bullying, pursuant to N.J.A.C. 6A:16-7.7.

3. The Principal or designee will maintain a list of community-based health and social service provider agencies available to support a student and a student's family, as appropriate, and a list of legal resources available to serve the community.

4. The Board of Education may deny participation in extra-curricular activities, school functions, sports, graduation exercises, or other privileges as disciplinary sanctions when designed to maintain the order and integrity of the school environment.

5. Nothing in Policy and Regulation 5600 shall prevent the school administration from imposing a consequence for unacceptable student conduct not listed or included in a Chart of Student Discipline.

K. Student Conduct Away from School Grounds

1. The Building Principal or designee has the right to impose a consequence on a student for conduct away from school grounds that is consistent with the Board's Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.

   a. This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2.

   b. This authority shall be exercised only when the conduct that is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

   c. Consequences for conduct away from school grounds shall be handled in accordance with the Board approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1, Policy and Regulation 5600, and as appropriate, in accordance with N.J.A.C. 6A:16-7.2, 7.3, or 7.4.

2. School authorities shall respond to harassment, intimidation, or bullying that occurs off school grounds, pursuant to N.J.S.A. 18A:37-14 and 15.3 and N.J.A.C. 6A:16-1.3, 7.1, and 7.7.

L. School Bus Conduct

Violations of the rules regarding student conduct on school buses will be handled as follows:

1. The bus driver will report unacceptable conduct to the Principal of the school in which the student is enrolled by submission of a completed written report that includes the name of the student, the school, and the student's conduct.

2. The Principal or designee will investigate the matter, which may include meeting with the bus driver, bus aide, other students on the school bus, and the student who was reported by the bus driver.

3. The parent will be notified of the student's reported conduct.

4. The Principal or designee will make a determination if the student violated behavioral expectations and the discipline to be administered in accordance with the Code of Student Conduct.

5. If it is determined the misconduct is severe, the student may be suspended from the bus pending a conference with the parent.

M. Students with Disabilities

For students with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. § 1400 et seq., the Individuals with Disabilities Educational Improvement Act, N.J.A.C. 6A:14, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), student discipline and the Code of Student Conduct shall be implemented in accordance with the components of the applicable plans.

N. Records

1. Instances of student discipline will be recorded in the student's file in strict compliance with N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330.

2. When a student transfers to a public school district from another public school district, all information in the student's record related to disciplinary actions taken against the student by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information; Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), and N.J.A.C. 6A:32-7.5.

a. The record shall be provided within two weeks of the date that the student enrolls in the receiving district.

b. Written consent of the parent or adult student shall not be required as a condition of the record transfer; however, written notice of the transfer shall be provided to the parent or the adult student.

3. When a student transfers to a private school, which includes all sectarian or nonsectarian, nonprofit, institutional day, or residential schools that provide education for students placed by their parents and that are controlled by other than public authority, all student disciplinary records with respect to suspensions or expulsions, shall be provided by the public school district of residence to the private school upon written request from the private school, in the same manner the records would be provided to a public school, pursuant to 20 U.S.C. § 6301, Title IV § 4155 of the Elementary and Secondary Education Act.

4. The Board shall not use a student's past offenses on record to discriminate against the student.

5. All student disciplinary records pursuant to N.J.A.C. 6A:16-7 shall conform with the requirements set forth in N.J.A.C. 6A:16-7.8(d).

O. Annual Review

The Superintendent will designate a school staff member to coordinate an annual review and update of Policy and Regulation 5600. The Superintendent's designee will:

1. Compile an annual summary report of violations of the student behavioral expectations and the associated school responses to the violations in the Student Discipline/Code of Conduct Policy and Regulation.

2. Convene a Student Discipline/Code of Conduct Committee comprised of parents, students, and community members that represent the composition of the district's schools and community to review the annual summary report and to develop recommendations, if any, to improve and update the Student Discipline/Code of Conduct Policy and Regulation.

3. The Superintendent's designee shall submit the Committee's recommendations, if any, to improve or update the Student Discipline/Code of Conduct Policy and Regulation.

4. The Superintendent will review the Committee's report with school administrators and will determine if the Student Discipline/Code of Conduct Policy and Regulation should be updated.

5. The Superintendent will recommend to the Board revisions to the Student Discipline/Code of Conduct Policy, if needed.

P. Policy and Regulation Publication and Distribution

The Student Discipline/Code of Conduct Policy and Regulation 5600, including the Chart of Student Discipline shall be disseminated annually to all school staff, students, and parents. These documents may be disseminated in handbooks, electronically, or in hard copy form. Principals will ensure these documents are made available to all students on or before the first day of each school year and to transferring students on the first day of their enrollment in this district.

Adopted: 27 August 2020

R 5610 SUSPENSION PROCEDURES

A. Short-Term Suspensions

1. In each instance of a short-term suspension, the Principal or designee, shall assure the rights of a student suspended for one, but not more than ten consecutive school days by providing for the following:

   a. As soon as practicable, oral or written notice of charges to the student.

      (1) When charges are denied, an explanation of the evidence forming the basis of the charges also shall be provided.

   b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of the events regarding his or her actions leading to the short-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5.

      (1) The informal hearing shall be conducted by a school administrator or designee;

      (2) To the extent that a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the educational process, the student may be immediately removed from the student's educational program and the informal hearing shall be held as soon as practical after the suspension;

      (3) The informal hearing should take place even when a school staff member has witnessed the conduct forming the basis of the charge; and

      (4) The informal hearing and the notice given may take place at the same time.

   c. Oral or written notification to the student's parent of the student's removal from the student's educational program prior to the end of the school day on which the Principal decides to suspend the student. The notification shall include an explanation of:

(1) The specific charges;

(2) The facts on which the charges are based;

(3) The provision(s) of the code of student conduct the student is accused of violating;

(4) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.2; and

(5) The terms and conditions of the suspension.

d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day; and

e. Academic instruction, either in school or out of school, that addresses the New Jersey Student Learning Standards.

(1) The student's academic instruction shall be provided within five school days of the suspension.

(2) At the completion of a short-term suspension, the Board of Education shall return a general education student to the general education program for which he or she was suspended.

(3) The academic instruction provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.

2. The Principal suspending the student shall immediately report the suspension to the Superintendent, who shall report it to the Board of Education at its next regular meeting, pursuant to N.J.S.A. 18A:37-4.

3. An appeal of the Board's decision affecting the general education student's educational program shall be made to the Commissioner, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

4. For a student with a disability, the provisions set forth in N.J.A.C. 6A:16-7.2 shall be provided in addition to all procedural protections set forth in N.J.A.C. 6A:14.

B. Long-Term Suspensions

1. In each instance of a long-term suspension, the Principal or designee shall assure the rights of a student suspended for more than ten consecutive school days by providing the following:

   a. Notification to the student of the charges prior to the student's removal from school;

   b. Prior to the suspension, an informal hearing during which the student is given the opportunity to present his or her version of events regarding his or her actions leading to the long-term suspension and is provided notice of the school district's actions taken pursuant to N.J.A.C. 6A:16-7.1(c)2 and 5;

   c. Immediate notification to the student's parent of the student's removal from school;

   d. Appropriate supervision of the student while waiting for the student's parent to remove the student from school during the school day;

   e. Written notification to the parent by the Superintendent or designee within two school days of the initiation of the suspension, stating:

      (1) The specific charges;

      (2) The facts on which the charges are based;

      (3) The student's due process rights, pursuant to N.J.A.C. 6A:16-7.1(c)3 and N.J.A.C. 6A:16-7.3; and

      (4) Further engagement by the student in conduct warranting expulsion, pursuant to N.J.S.A. 18A:37-2, shall amount to a knowing and voluntary waiver of the student's right to a free public education, in the event that a decision to expel the student is made by the Board, pursuant to N.J.S.A. 18A:37-2 and N.J.A.C. 6A:16-7.4.

         (a) The Board shall request from the parent and student written acknowledgement of the notification provided pursuant to N.J.A.C. 6A:16-7.3(a)5.iv subsequent to the removal of the student from his or her educational program, pursuant to N.J.A.C. 6A:16-7.3.

f. A list of witnesses and their statements or affidavits, if any, no later than five days prior to the formal hearing, pursuant to j. below;

g. For a student with a disability, a manifestation determination, pursuant to N.J.A.C. 6A:14-2.8 and the Federal regulations;

h. Information on the student's right to secure an attorney and legal resources available in the community identified pursuant to N.J.A.C. 6A:16-7.1(c)7;

i. Either in- or out-of-school educational services that are comparable to those provided in the public schools for students of similar grades and attainments, pursuant to N.J.S.A. 18A:38-25, which may include a public education program provided in accordance with N.J.A.C. 6A:16-9 or 10.

(1) The student's educational services shall be provided within five school days of the suspension.

(2) The Board shall make decisions regarding the appropriate educational program and support services for the suspended general education student based on the New Jersey Student Learning Standards and the following considerations:

(a) A behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team, as appropriate;

(b) The results of relevant testing, assessments, or evaluations of the student;

(c) The student's academic, health, and behavioral records;

(d) The recommendation of the Superintendent, Principal, or other relevant school or community resource;

(e) Considerations of parental input; or

(f) Consultation with the Intervention and Referral Services Team, in accordance with N.J.A.C. 6A:16-8.

(3) Educational services provided to a student with a disability shall be provided consistent with N.J.A.C. 6A:14.

j. A formal hearing before the Board that shall, at a minimum:

(1) Be conducted by the Board or delegated by the Board to a Board committee, a school administrator, or an impartial hearing officer for the purpose of determining facts or making recommendations.

(a) Before taking final action, the Board as a whole shall receive and consider either a transcript or detailed report on the hearing.

(2) Include the opportunity for the student to:

(a) Confront and cross-examine witnesses, if there is a question of fact; and

(b) Present his or her own defense, and produce oral testimony or written supporting affidavits.

(3) Take place no later than thirty calendar days following the day the student is suspended from the general education program; and

(4) Result in the Board's decision that shall be based, at a minimum, on the preponderance of competent and credible evidence.

k. A written statement to the student's parent regarding the Board's decision within five school days after the close of the hearing. The statement shall include at a minimum:

(1) The charges considered;

(2) A summary of the documentary or testimonial evidence from both the student and the administration that was brought before the Board at the hearing;

(3) Factual findings relative to each charge and the Board's determination of each charge;

(4) Identification of the educational services to be provided to the student, pursuant to i. above;

(5) The terms and conditions of the suspension; and

(6) The right to appeal to the Commissioner of Education the Board's decision regarding the student's general education program, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

l. If at any time it is found that the student did not commit the offense, the student shall be immediately returned to the program from which he or she was removed; and

m. At the completion of a long-term suspension, the Board shall return the general education student to the general education program.

2. An appeal of the Board's decision regarding the general education student's program shall be made to the Commissioner of Education, in accordance with N.J.S.A. 18A:37-2.4 and N.J.A.C. 6A:3-1.3 through 1.17.

3. Suspension of a general education student shall not be continued beyond the Board's second regularly scheduled meeting following the suspension, unless the Board so determines, pursuant to N.J.S.A. 18A:37-5.

a. The Board shall determine whether to continue the suspension, pursuant to B.1. above, based on the following criteria:

(1) The nature and severity of the offense;

(2) The Board's removal decision;

(3) The results of relevant testing, assessments, or evaluations of the student; and

(4) The recommendation of the Superintendent, after considering input from the Principal or Director of the alternative education program or home or other in-school or out-of-school instruction program in which the student has been placed.

b. The Board shall develop and adopt policies and procedures providing for action on the continuation of student suspensions in the event of cancellation of the first or second regular Board meeting pursuant to N.J.S.A. 18A:37-4 and 5.

4. When the Board votes to continue a general education student's suspension, it shall review the case, in consultation with the Superintendent, at each subsequent Board meeting for the purpose of determining:

   a. The status of the student's suspension;

   b. The appropriateness of the suspended student's current educational program; and

   c. Whether the suspended student's current placement, pursuant to i. above, should continue or whether the student should return to the general education program.

5. When the Board votes to continue a general education student's suspension, it shall make, in consultation with the Superintendent, the final determination on:

   a. When the student is prepared to return to the general education program;

   b. Whether the student will remain in an alternative education program or receive home or other in-school or out-of-school instruction, based on the criteria set forth in B.3.a.(1) through (4) above; or

   c. Whether to initiate expulsion proceedings in accordance with N.J.S.A. 18A:37-2, N.J.A.C. 6A:16-7.4, and Policy 5620.

6. The Board shall provide a general education student suspended under N.J.A.C. 6A:16-7.3 with an appropriate educational program or services, based on the criteria set forth under B.1.i.(2) above, until the student graduates from high school or reaches the age of twenty, whichever comes first.

   a. The educational program shall be consistent with the provisions of N.J.A.C. 6A:16-9.2 and 10.2 and 6A:14-2 and 4.3, whichever is applicable; or

b. The educational services provided, either in-school or out-of-school, shall be comparable to those provided in the public schools for students of similar grades and attainments, pursuant to the provisions of N.J.S.A. 18A:38-25.

7. For a student with a disability who receives a long-term suspension, the Board shall proceed in accordance with N.J.A.C. 6A:14 in determining or changing the student's educational placement to an interim or alternate educational setting.

a. All procedural protections set forth in N.J.A.C. 6A:14 and N.J.A.C. 6A:16-7.3 shall be afforded to a student with a disability who is subjected to a long-term suspension.

b. All decisions concerning the student's educational program or placement shall be made by the student's Individualized Education Program team.

c. The provisions of B.2. through B.6. above shall not apply to students with disabilities.

C. Meeting with Student - Multiple Suspensions or Possible Expulsion

1. In accordance with the provisions of N.J.S.A. 18A:37-2c, in the event a student has experienced multiple suspensions or may be subject to a proposed expulsion from school, the Principal shall convene a meeting, as soon as practicable, between the student and a school psychologist, a school counselor, a school social worker, a student assistance coordinator, or a member of the school's intervention and referral services team.

a. The Principal may convene such a meeting, if after the student has been suspended for the first time, the Principal upon evaluation deems such a meeting appropriate.

b. The purpose of the meeting shall be to identify any behavior or health difficulties experienced by the student and, where appropriate, to provide supportive interventions or referrals to school or community resources that may assist the student in addressing the identified difficulties.

2. The requirements of C.1. above shall not apply when a student's immediate removal or suspension from the school's regular education program is required pursuant to:

a. The provisions of the "Zero Tolerance for Guns Act," (N.J.S.A. 18A:37-7 et seq.);

b. N.J.S.A. 18A:37-2.1 – Assault by Pupil Upon Teacher, etc.; Suspension; Expulsion Proceedings;

c. N.J.S.A. 18A:37-2.2 – Offense by Pupil Involving Assault, Removal from Schools Regular Education Program; or

d. In any other instance in which the safety and security of other students or school staff requires the student's immediate removal from school.

3. In the instances provided in C.2.a. through d. above, the meeting required in C.1. above shall take place as soon as practicable following the student's removal from the school's regular education program.

4. The provisions of N.J.S.A. 18A:37-2c and C. of this Regulation shall be construed in a manner consistent with the "Individuals with Disabilities Act," 20 U.S.C. § 1400 et seq.

Adopted: 27 August 2020

R 5611 REMOVAL OF STUDENTS FOR FIREARMS OFFENSES

A. Definitions

"School buildings" and "school grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchens and maintenance shops. "School buildings" and "school grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; night field lights; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. "School buildings" and "school grounds" also includes other facilities such as playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.

B. Removal of Students for Firearm Offenses

1. Pursuant to the provisions of N.J.A.C. 6A:16-5.5, any student, other than a student with a disability, committing the following offenses shall be immediately removed from the school's general education program for a period of not less than one calendar year:

   a. Convicted or adjudicated delinquent for possession of a firearm on school grounds;

   b. Convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; and

   c. Found knowingly in possession of a firearm on school grounds.

2. The Superintendent may modify, on a case-by-case basis, the removal of a general education student.

   a. The Superintendent shall develop and maintain a written record of case-by-case modifications of the removal requirement of N.J.A.C. 6A:16-5.5(b)1, which shall be made available to the Commissioner of Education upon request.

3. Nothing in N.J.A.C. 6A:16-5.5 or this Policy and Regulation shall be construed to prohibit the expulsion of a general education student.

4. The Board shall immediately remove students with disabilities for offenses involving firearms in accordance with N.J.A.C. 6A:14 and applicable Federal regulations.

C. Procedures - Removal of Students for Firearm Offenses

1. The Principal shall:

   a. Remove a student as set forth in B. above;

   b. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;

   c. Immediately report to the Superintendent the removal of the student;

   d. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and

   e. Notify the student's parent of the following information:

      (1) The removal action;

      (2) The law enforcement notification;

      (3) The change of custody, if it occurs; and

      (4) A general education student's due process rights, as set forth in N.J.A.C. 6A:16-7.2 through 7.6, or the due process rights of a student with a disability, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

2. A student, other than a student with a disability, removed from the general education program pursuant N.J.A.C. 6A:16-5.5 shall be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-9.1 et seq.

   a. If placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.

3. A student with a disability removed pursuant to B. above shall receive a placement in accordance with N.J.A.C. 6A:14.

4. A student, other than a student with a disability, removed pursuant to B. above shall be entitled to a hearing before the Board of Education in accordance with N.J.A.C. 6A:16-7.3 through 7.5.

5. If it is found that the removed student did not commit the offenses in B. above, the student shall be immediately returned to the program from which he or she was removed.

D. Return to General Education Program

1. The Superintendent shall make the final determination on whether the general education student is prepared to return to the general education program, or will remain in an alternative education program, pursuant to N.J.A.C. 6A:16-9.1 et seq., or receive home or other out-of-school instruction, pursuant to N.J.A.C. 6A:16-10, based on the following criteria:

   a. The nature and severity of the offense;

   b. The Board's removal decision;

   c. The results of relevant testing, assessment, or evaluation of the student; and

   d. The recommendation of the Principal or Director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.

E. Exception

1. The provisions of N.J.A.C. 6A:16-5.5 shall not apply to a firearm that is lawfully stored in a locked vehicle on school grounds, or when it is for activities approved and authorized by the Board of Education, as long as the Board adopts appropriate safeguards to ensure student safety.

   a. All students shall obtain written authorization from the Superintendent to possess a firearm stored inside a locked vehicle on school grounds or used for participation in a school-sponsored function.

      (1) The Superintendent shall not provide authorization to a student who has been convicted or adjudicated delinquent for possession of a firearm or for a crime involving the use of a firearm.

Adopted: 27 August 2020

R 5612 ASSAULTS ON DISTRICT BOARD OF EDUCATION MEMBERS OR EMPLOYEES

A. Removal of Students for Assault on Board Members and Employees

1. Pursuant to the provisions of N.J.A.C. 6A:16-5.7, any student who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, not involving the use of a weapon or firearm, upon a teacher, administrator, other school Board employee, or Board of Education member acting in the performance of his or her duties and in a situation where his or her authority to act is apparent, or as a result of the victim's relationship to the school district, pursuant to N.J.S.A. 18A:37-2.1 shall be immediately removed from school.

2. A student, other than a student with a disability, who commits an assault pursuant to A.1. above, shall be immediately removed from school consistent with due process procedures, pending a hearing, pursuant to N.J.A.C. 6A:16-7.2 through 7.5.

   a. Nothing in N.J.A.C. 6A:16-5.7 shall be construed as prohibiting the expulsion of a general education student.

3. A student with a disability who commits an assault pursuant to A.1. above shall be removed in accordance with N.J.A.C. 6A:14.

B. Procedures – Removal of Students for Assault on Board Members and Employees

1. The Principal or designee shall:

   a. Remove a student as set forth in A. above;

   b. Isolate the student and place him or her under the supervision of school staff until the student's parent or an appropriate agency takes custody of the student;

   c. Immediately report to the Superintendent the removal of the student;

   d. Notify the student's parent of the removal action and the student's due process rights; and

e. Notify the appropriate law enforcement official of a possible violation of the New Jersey Code of Criminal Justice.

2. The Board of Education shall provide due process proceedings for all students in accordance with N.J.A.C. 6A:16-7.2, 7.3, 7.4, and 7.5 and for a student with a disability in accordance with N.J.A.C. 6A:14-2.7 and 2.8.

Adopted: 27 August 2020

R 5613 REMOVAL OF STUDENTS FOR ASSAULTS WITH WEAPONS OFFENSES

A. Definitions

"School buildings" and "school grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchens and maintenance shops. "School buildings" and "school grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; night field lights; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. "School buildings" and "school grounds" also includes other facilities such as playgrounds; and recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.

B. Removal of Students for Assaults with Weapons Offenses

1. Pursuant to the provisions of N.J.A.C. 6A:16-5.6, any student, other than a student with a disability, who commits an assault, as defined under N.J.S.A. 2C:12-1(a)1, with a weapon, which includes, but is not limited to, items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921, upon a teacher, administrator, other school Board employee, Board of Education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5 shall be immediately removed from the school's general education program for a period not exceeding one calendar year.

2. The Superintendent may modify on a case-by-case basis the removal of a general education student.

3. Nothing in N.J.A.C. 6A:16-5.6 shall be construed to prohibit the expulsion of a general education student.

4. The Board shall immediately remove students with disabilities for assaults with weapons offenses in accordance with N.J.A.C. 6A:14 and applicable Federal regulations.

C. Procedures – Removal of Students for Assaults with Weapons Offenses

1. The Principal or designee shall:

   a. Remove a student as set forth in B. above;

   b. Isolate the student and place him or her under the supervision of school staff until the student's parent or a law enforcement official takes custody of the student;

   c. Immediately report to the Superintendent the removal of the student;

   d. Notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice; and

   e. Notify the student's parent of the following information:

      (1) The removal action;

      (2) The law enforcement notification;

      (3) The change of custody, if it occurs; and

      (4) A general education student's due process rights, pursuant to N.J.A.C. 6A:16-7.2 through 7.5 or a student with a disability's due process rights, as set forth in N.J.A.C. 6A:14-2.7 and 2.8 and N.J.A.C. 6A:16-7.2 through 7.5.

2. A student, other than a student with a disability, removed from the general education program pursuant to N.J.A.C. 6A:16-5.6 shall be placed in an alternative education program, according to the requirements of N.J.A.C. 6A:16-9.1 et seq.:

   a. If placement in an alternative education program is not available, the general education student shall be provided home or other out-of-school instruction, according to N.J.A.C. 6A:16-10, until placement is available.

3. A student with a disability removed pursuant to B. above shall receive a placement in accordance with N.J.A.C. 6A:14.

4. A student, other than a student with a disability, removed pursuant to B. above shall be entitled to an informal hearing, pursuant to N.J.A.C. 6A:16-7.2 and 7.3, and a hearing before the Board of Education pursuant to N.J.A.C. 6A:16-7.3.

5. If it is found that the removed student did not commit the offense(s), the student shall be immediately returned to the program from which he or she was removed.

D. Return to General Education Program

1. The Superintendent shall make the final determination on whether the general education student is prepared to return to the general education program or will remain in an alternative education program or receive home or other out-of-school instruction based on the following criteria:

   a. The nature and severity of the offense;

   b. The Board's removal decision;

   c. The results of relevant testing, assessment, or evaluation of the student; and

   d. The recommendation of the Principal or Director of the alternative education program or home or other out-of-school instruction program in which the student has been placed.

E. Exception

1. The provisions of N.J.A.C. 6A:16-5.6 shall not apply to a student who has obtained the Superintendent's written authorization to lawfully possess a firearm or other weapon while participating in a school-sponsored function.

   a. The Superintendent shall not provide authorization to a student who has been convicted or adjudicated delinquent for possession of a firearm or weapon or for a crime involving the use of a firearm.

Adopted: 27 August 2020

R 5721 DISTRIBUTION OF INDEPENDENT PUBLICATIONS

A. Definition

"Independent publications" are written or printed cards, letters, circulars, books, pamphlets, notices, newspapers, and other documents prepared and distributed by students, independent of any curricular or co-curricular activity sponsored by the Board of Education.

B. Distribution

1. Independent publications may be distributed on school premises only by the students enrolled in that school.

2. Distribution may be conducted during periods of time when the activity will not interrupt the instructional program or interfere with an exercise necessary for student safety, such as a fire drill.

3. Distribution may be conducted in places in which the activity will not obstruct the passage of persons, cause a safety hazard, or interfere with the orderly operation of the school.

4. The Principal will establish, in consultation with recognized student organizations, rules setting specific times and places for the distribution of independent publications on the school premises.

C. Littering

1. Distribution will be conducted in a manner that reduces the possibility of litter.

2. Students who distribute independent publications are responsible for policing the area in which the distribution takes place and assuring that all litter is promptly removed.

D. Enforcement

1. The Principal will enforce these regulations and will determine whether distribution violates the standards set forth in paragraph B2 and paragraph B3.

2. A decision of the Principal may be appealed to the Superintendent.

Issued: 27 August 2020

R 5750 EQUAL EDUCATIONAL OPPORTUNITY COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any student or the parent of a student the opportunity to appeal an allegedly discriminatory practice in the program of this district or an alleged denial of equal educational opportunity.

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 students.

B. Definitions

1. "Board of Education" means the Board of Education of the Little Ferry School District.

2. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.

3. "Complainant" means a student or a parent of a student who alleges a complaint.

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

5. "School district" means the Little Ferry School District.

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

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:

   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 act or practice 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 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 complainant 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 acted discriminatorily.

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 a discriminatory act and any other person with knowledge of the act complained of.

6. The Superintendent will render a written decision in the matter no later than ten 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 of Education.

7. 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 will 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

   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 discriminatory act.

9. 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.

10. 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.

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 existence of the record in the separate file.

Issued: 27 August 2020

R 5751 SEXUAL HARASSMENT OF STUDENTS

Sexual harassment of students is prohibited by the Board of Education. The Superintendent and school district staff will use the following methods to investigate and resolve allegations of sexual harassment of students engaged in by school employees, other students (peers), or third parties.

A. Definitions

1. Quid Pro Quo Harassment - When a school employee explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the student resists and suffers the threatened harm or submits and thus avoids the threatened harm.

2. Hostile Environment Sexual Harassment - Sexual harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

3. Notice - The school district has notice if it actually "knew, or in the exercise of reasonable care, should have known" about the harassment. If an agent or responsible employee of the school district received notice, the school district is deemed to have notice. The school district may receive notice in many different ways:

   a. A student may have filed a grievance or complained to a teacher about fellow students harassing him/her.

   b. A student, parent, or other student may have contacted other appropriate school personnel.

   c. An agent or a responsible employee of the school district may have witnessed the harassment.

   d. The school district may obtain information in an indirect manner such as staff, community members, newspapers, etc.

4. Constructive Notice - A school district will be in violation if the school district has "constructive notice" of a sexually hostile environment and fails to take immediate and appropriate corrective action. Constructive notice exists if the school district "should have" known about the harassment and if the school district would have found out about the harassment through a "reasonable diligent inquiry."

5. Gender-based Harassment - Gender-based harassment that includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on gender, but not involving conduct of a sexual nature, may be a form of sex discrimination if it is sufficiently severe, persistent, or pervasive and directed at individuals because of their gender.

6. Title IX of the Education Amendments of 1972 - Title IX applies to all public school districts that receive federal funds and protects students in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school at another location, or elsewhere. Title IX protects any "person" from sex discrimination; accordingly both male and female students are protected from sexual harassment engaged in by school district employees, other students, or third parties. Title IX prohibits sexual harassment regardless of the gender of the harasser even if the harasser and the student being harassed are members of the same gender. Although Title IX does not specifically prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students may constitute sexual harassment as prohibited by Title IX. Harassing conduct of a sexual nature directed toward gay or lesbian students may create a sexually hostile environment and therefore be prohibited under Title IX.

7. Grievance Procedure - The grievance procedure provides for prompt and equitable resolution of discrimination complaints, including complaints of sexual harassment. The grievance procedure provides the school district with a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.

8. Office Of Civil Rights (OCR) - The OCR of the United States Department of Education has federal government's enforcement authority of Title IX.

9. Unwelcomeness - In order to be actionable as harassment, sexual conduct must be unwelcomed. Conduct is unwelcomed if the student did not request or invite it and "regarded the conduct as undesirable or offensive." The school district will be concerned about the issue of welcomeness if the harasser is in a position of authority.

10. Acquiescence - Acquiescence in the conduct or the failure to complain does not always mean the conduct was welcome. The fact that a student may have accepted the conduct does not mean that he/she welcomed it. The fact that a student willingly participated in conduct on one occasion does not prevent him/her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a student actively participates in sexual banter and discussions and gives no indication he/she objects, then the evidence generally will not support a conclusion that the conduct was unwelcomed.

11. Sufficiently Severe, Persistent, or Pervasive Conduct - In determining whether conduct is sufficiently severe, persistent, or pervasive, the conduct should be considered from a subjective and objective perspective. In making this determination, all relevant circumstances should be considered:

    a. The degree to which the conduct affected one or more students' behavior. The conduct must have limited a student's ability to participate in or benefit from his/her education or altered the conditions of the students educational environment.

    b. The type, frequency, and duration of the conduct.

    c. The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.

    d. The number of individuals involved.

    e. The age and gender of the alleged harasser and the subject or subjects of the harassment.

    f. The size of the school, location of the incidents, and context in which they occurred.

    g. Other incidents at the school.

    h. Incidents of gender-based, but non-sexual harassment.

B. Grievance Procedure

The following Grievance Procedure shall be used for an allegation(s) of Harassment of Students by School Employees, Other Students, or Third Parties:

1. Reporting of Sexual Harassment Conduct

a. Any person with any information regarding actual and/or potential sexual harassment of a student by any school employee, other students, or third parties must report the information to the school Building Principal, their immediate supervisor or the Affirmative Action Officer.

(1) If the Building Principal deems it appropriate, he/she may immediately notify the parent(s) or legal guardian(s) of the alleged harasser(s) or alleged victim(s) upon receipt of any information prior to notifying the Affirmative Action Officer.

(2) The Building Principal will not disclose the name(s) of the alleged harasser(s) or alleged victim(s) to the other party.

b. The school district can learn of sexual harassment through other means such as from a witness to an incident, an anonymous letter or telephone call.

c. Nothing in the Policy and Regulation on Student Sexual Harassment shall preclude the Building Principal, or designee, from complying with the provisions of Policy No. 5600 - Student Discipline in order to maintain the health, safety and welfare of staff and/or students.

d. A report from the school Building Principal or an immediate supervisor will be forwarded to the school district Affirmative Action Officer within one working day, even if the school Building Principal or immediate supervisor feels sexual harassment conduct was not present.

e. Upon receipt of an allegation and/or report, the Affirmative Action Officer shall immediately notify the parent(s) or legal guardian(s) of any alleged harasser(s) and victim(s) for which a report has been filed even if the Building Principal has previously notified the parent(s) or legal guardian(s).

f. The Affirmative Action Officer shall notify the parent(s) or legal guardian(s) of all involved students and any other involved individuals of the process to be followed in investigating a report or complaint.

2. Affirmative Action Officer's Investigation

a. Upon receipt of any report of potential sexual harassment conduct, the Affirmative Action Officer will begin an immediate investigation. The Affirmative Action Officer will promptly investigate all alleged complaints of sexual harassment, whether or not a formal grievance is filed and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.

b. When a student or the parent(s) or legal guardian(s) of a student provides information or complains about sexual harassment of the student, the Affirmative Action Officer will initially discuss what actions the student or parent(s) or legal guardian(s) is seeking in response to the harassment.

c. The Affirmative Action Officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged conduct, interviews with any students who may have been sexually harassed by any school employee, other students, or third parties and any other reasonable methods to determine if sexual harassment conduct existed.

d. The Affirmative Action Officer will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any student involved in the investigation to assist in the investigation to determine if sexual harassment conduct exist(ed).

e. The Affirmative Action Officer will provide a copy of the Board Policy and Regulation to all persons who are interviewed with potential knowledge and to any other person the Affirmative Action Officer feels would be served by a copy of such documents.

f. The Affirmative Action Officer will explain the avenues for formal and informal action, including a description of the grievance procedure that is available for sexual harassment complaints and an explanation on how the procedure works.

g. Any person interviewed by the Affirmative Action Officer may be provided an opportunity to present witnesses and other evidence.

h. The Affirmative Action Officer and/or Superintendent may contact law enforcement agencies if there is potential criminal conduct by any party.

i. The school district administrators may take interim measures during an Affirmative Action Officer's investigation of a complaint in order to alleviate any conditions which prohibits the student from assisting in the investigation.

j. If elementary or middle school students are involved, it may become necessary to determine the degree to which they are able to recognize that certain sexual conduct is conduct to which they can or should reasonably object and the degree to which they can articulate an objection. The Affirmative Action Officer will consider the age of the student, the nature of the conduct involved, and other relevant factors in determining whether a student had the capacity to welcome sexual conduct.

k. The Affirmative Action Officer will consider particular issues of welcomeness if the alleged harassment relates to alleged "consensual" sexual relationships between a school employee and a student.

(1) If elementary or middle school (grades K-8) students are involved, welcomeness will not be an issue. Sexual conduct between a school employee and an elementary student will not be viewed as consensual.

(2) If secondary (grades 9-12) students are involved, there is a strong presumption that sexual conduct between a school employee and a secondary student is not consensual.

(3) In cases involving older secondary and post-secondary students and older secondary and post-secondary special education students, the Affirmative Action Officer will consider the following to determine whether a school employee's sexual advances or other sexual conduct could be considered welcome:

(a) The nature of the conduct and the relationship of the school employee to the student, including the degree of influence, authority, or control the employee has over the student.

(b) Whether the student was legally or practically unable to consent to the sexual conduct in question.

l. If there is a dispute about whether harassment occurred or whether it was welcome (in a case which it is appropriate to consider whether the conduct could be welcome) determinations should be based on the totality of the circumstances. The following types of information may be helpful in resolving the dispute:

(1) Statements made by any witnesses to the alleged incident.

(2) Evidence about the relative credibility of the alleged harassed student and the alleged harasser.

(3) Evidence that the alleged harasser has been found to have harassed others may support the credibility of the student claiming harassment.

(4) Evidence of the allegedly harassed student's reaction or behavior after the alleged harassment.

(5) Evidence about whether the student claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.

(6) Other contemporaneous evidence such as did the student write about the conduct and his/her reaction to it soon after it happened in diary or letter and/or tell friends or relatives.

m. The scope of a reasonable response also may depend upon whether a student, or parent(s) or legal guardian(s) reporting harassment asks that the student's name not be disclosed to the harasser or that nothing be done about the harassment. The Affirmative Action Officer:

(1) Will provide an overview of harassment policy [and Title IX if applicable] to the student, parent(s) or legal guardian(s) guardian which shall include the prohibition of retaliation. In the event the student, parent(s) or legal guardian(s) request the student's name remain confidential, the Affirmative Action Officer will inform the student, parent(s) or legal guardian(s) that the request may limit the school district's ability to respond.

(2) Will evaluate the confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The factors to be considered shall be the seriousness of the alleged harassment, the age of the student harassed, whether there have been any other complaints or reports against the alleged harasser. And the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.

(3) May use other means available to address the harassment. Steps that may be taken to limit the effects of the alleged harassment and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require sexual harassment training at the site where the problem occurred, taking a student survey concerning any harassment problems that may exist, or other systematic measures where the alleged harassment occurred.

(4) By conducting a limited investigation without revealing the name of the student sexually harassed, may be able to learn about or confirm a pattern of harassment based on claims of different students that were harassed by the same individual. The Affirmative Action Officer may place an individual on notice of allegation of harassing behavior and counsel appropriately without revealing, even indirectly, the identity of the student who notified the school district.

3. Investigation Results

a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Affirmative Action Officer will prepare a summary of findings to the parties. At the least this shall include the person(s) providing notice to the school district and the student(s) who were alleged to be sexually harassed.

b. The Affirmative Action Officer shall make a determination whether sexual harassment conduct was present.

c. If the Affirmative Action Officer concludes sexual harassment conduct was not, or is not present, the investigation is concluded.

d. If the Affirmative Action Officer determines that sexual harassment has occurred, the school district administrators and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment such as counseling, warning, and/or disciplinary action, as specified in student and/or staff discipline policies and regulations. The steps will be based on the severity of the harassment or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.

e. In the event the Affirmative Action Officer determines a hostile environment exists, the school district administrators and staff shall take steps to eliminate the hostile environment. The school district administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the harasser to apologize to the harassed student, dissemination of information, distribution of new policy statements or other steps to communicate the message that the Board does not tolerate harassment and will be responsive to any student that reports such conduct.

f. In some situations, the school district administrators may need to provide other services to the student that was harassed if necessary to address the effects of the harassment on that student. Depending on the type of harassment found, these additional services may include an independent re-assessment of the harassed student's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.

g. The school district administrators will take steps to avoid any further sexual harassment and to prevent any retaliation against the student who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The Affirmative Action Officer will inform the sexually harassed student and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.

h. All sexual harassment grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.

4. Affirmative Action Officer's Investigation Appeal Process

   a. Any person found by the Affirmative Action Officer's investigation to be guilty of sexual harassment conduct, or any student who believes they were sexually harassed but not supported by the Affirmative Action Officer's investigation, may appeal to the Superintendent. The Superintendent will make his/her determination within ten working days of receiving the appeal.

   b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board will make its determination within forty-five calendar days of receiving an appeal from the Superintendent's determination.

C. Office Of Civil Rights (OCR) Case Resolution

Parents or students not satisfied with the resolution of an allegation of sexual harassment by the school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

1. Any alleged victim of sexual harassment may appeal a decision of the Affirmative Action Officer, Superintendent, or the Board to the Office of Civil Rights (OCR).

2. Any person may report an allegation of sexual harassment to the OCR at any time. If the OCR is asked to investigate or otherwise resolve incidents of sexual harassment of students, including incidents caused by employees, other students, or third parties, OCR will consider whether:

   a. The school district has a policy prohibiting sex discrimination under Title IX and an effective Title IX grievance procedure;

   b. The school district appropriately investigated or otherwise responded to allegations of sexual harassment; and

   c. The school district has taken immediate and appropriate corrective action responsive to Quid Pro Quo or Hostile Environment Harassment.

3. If the school district officials have taken the steps described in 2 above, the OCR will consider the case against the school district resolved and take no further action other than monitoring compliance with any agreement between the school district and the OCR. This shall apply in cases in which the school district was in violation of Title IX, as well as those in which there has been no violation of Title IX.

Issued: 27 August 2020

R 5860 RULES FOR SAFETY PATROL MEMBERS

Members of the school safety patrol support the safety and wellbeing of all the students in the elementary school. As role models and representatives of the district, school safety patrol members shall be bound by the following rules. Violations of these rules may result in the member's removal from the safety patrol:

1. A member in training shall attend all training sessions and pay close attention to training instruction.
2. Members shall at all times maintain proper decorum and demonstrate respect for authority.
3. A member shall obey the directives of the police officer, crossing guard, or school staff member supervising him/her.
4. A member shall not step off the curb or into a roadway in performance of his/her duties, except as directed to do so by a supervising police officer, crossing guard, or school staff member.
5. A member shall never attempt to direct vehicular traffic.
6. A member shall report to his/her appointed station on time and, if assigned outdoors, appropriately dressed for the weather.
7. A member shall report to his/her classroom promptly at the end of any patrol period that precedes classes.
8. A member who will be absent from school or cannot report to his/her appointed station must notify the Middle School Office Secretary to report his/her absence so that a substitute may be assigned.
9. A member shall take proper care of the belt, badge or other insignia of office distributed to him/her, wear it at all times when on duty and only when on duty, and return it to the school at the end of his/her service.
10. A member shall report to the safety patrol coordinator any serious misconduct or dangerous practices of other students.
11. A member shall maintain passing grades in all subjects.
12. A member shall serve as an example to others in the prevention of accidents.

Adopted: 27 August 2020

R 6000 FINANCES

Number	Title
R 6111	Special Education Medicaid Initiative (SEMI) Program (M)
R 6112	Reimbursement of Federal and Other Grant Expenditures (M)
R 6160	Grants from Private Sources
R 6210	Fiscal Planning
R 6220	Budget Preparation
R 6320	Purchases Subject to Bid
R 6340	Multiple Year Contracts
R 6350	Competitive Contracting
R 6421	Purchases Budgeted
R 6422	Budget Transfers (M)
R 6424	Emergency Contracts
R 6470	Payment of Claims
R 6471	School District Travel Procedures (M)
R 6620	Petty Cash
R 6740	Reserve Accounts
R 6810	Financial Objectives (M)

R 6111 SPECIAL EDUCATION MEDICAID INITIATIVE (SEMI) PROGRAM

Every New Jersey school district, with the exception of any district that obtains a waiver of the requirements of N.J.A.C. 6A:23A-5.3 pursuant to the procedures set forth at N.J.A.C. 6A:23A-5.3(b), shall take appropriate steps to maximize its revenue from the Special Education Medicaid Initiative (SEMI) Program by following policies and procedures to maximize participation in the program as set forth in N.J.A.C. 6A:23A-5.3(d) and to comply with all program requirements as set forth in N.J.A.C. 6A:23A-5.3(e).

A. Waiver

1. The school district may seek, in the prebudget year, a waiver of the requirements of N.J.A.C. 6A:23A-5.3 upon demonstration that for the subsequent school year:

   a. The district projects, based on reliable evidence, that it will have forty or fewer Medicaid eligible classified students; or

   b. The district demonstrates that efforts to participate in SEMI would not provide a cost benefit to the district, based on the projection of the district's available SEMI reimbursement for the budget year as set forth in N.J.A.C. 6A:23A-5.3 (c) and B. below.

2. The application for a waiver of the requirements of N.J.A.C. 6A:23A-5.3 shall be made to the Executive County Superintendent no less than forty-five days prior to the submission of the district's proposed budget for the school year to which the waiver request applies. The Executive County Superintendent shall notify the district of the decision on the waiver application within twenty days of receipt of the waiver request. If the waiver is not granted, the district shall submit a SEMI action plan to the Executive County Superintendent as required by N.J.A.C. 6A:23A-5.3(f) as part of its annual school district budget submission or demonstrate to the Executive County Superintendent the district has achieved maximum participation in the SEMI program in the prebudget year.

B. Projection of Available SEMI Reimbursement

1. As part of the annual budget information, the New Jersey Department of Education shall provide each school district with a projection of available SEMI reimbursement for the budget year, as determined by the State Department of Treasury's third party administrator for SEMI. The projection shall be based on the following:

a. Number of Medicaid eligible students;

b. Assumption of twenty services per eligible students per year;

c. One IEP meeting per eligible student per year; and

d. Applicable SEMI reimbursement rates.

2. Beginning with the 2009-2010 school year, the school district shall recognize as revenue in its annual school district budget no less than ninety percent of the projection of available SEMI reimbursement. The district may seek approval from the Executive County Superintendent to use its own projection of SEMI reimbursement upon demonstration that the numbers it used in calculating the projection are more accurate than the projection provided.

C. SEMI Program Requirements

1. The school district shall strive to achieve maximum participation in the SEMI program. "Maximum participation" means obtaining a ninety percent return rate of parental consent forms for all SEMI eligible students. Districts shall enter all students following their evaluations into the third-party system to identify the district's universe of eligible students. This can be done without parental consent.

2. Districts participating in the SEMI reimbursement program shall comply with program requirements as follows:

a. The school district shall implement Policy and Regulation 6111 concerning the effective and efficient administration of the SEMI reimbursement program consistent with the requirements of N.J.A.C. 6A:23A-5.3.

b. Any service submitted to Medicaid for reimbursement shall be rendered by a Medicaid qualified practitioner, or rendered by a provider under the supervision of a Medicaid qualified practitioner. The following outlines the required documentation for each related service provider:

(1) Nurses – copy of license (DOE certification is not required for SEMI);

(2) Occupational Therapist – copy of license and DOE certification;

(3) Physical Therapist – copy of license and DOE certification;

(4) Psychologist – copy of DOE certification;

(5) Social Worker – copy of DOE certification; and

(6) Speech Therapist – copy of DOE certification and American Speech-Language-Hearing Association (ASHA) Certification or Copy of DOE certification and past or present license (on or after January 1, 1993); or copy of DOE certification and documentation that the equivalent educational requirements and work experience necessary for ASHA certification have been met.

3. Practitioners who are not Medicaid qualified can deliver services under the direction of Medicaid qualified practitioners. These include certified occupational therapist assistants (COTAs), physical therapist assistants (PTAs) and speech correctionists.

4. Any direct therapy or other related service shall be prescribed in the related services section of the student's IEP prior to submitting a claim to Medicaid for reimbursement. Delivery of nursing services and dispensing of medication must be referenced in the IEP and supported by physicians' orders or prescriptions. These documents must be maintained on file. The supporting documentation to be maintained by the school district shall be the cover/signature page, related services section of the IEP, therapy logs, and the evaluations and assessments conducted by the Medicaid-qualified practitioners.

5. Entities where the school district has placed SEMI eligible students shall take steps to enable school districts to maximize participation, including either logging the eligible services provided directly through the vendor or the sending school district, as mutually agreed upon with the school district, and obtaining SEMI provider qualification certifications. Every out-of-district placement must provide copies of SEMI provider qualifications, certifications and licenses. This provision applies to the following out-of-district placement options:

   a. Approved private schools for students with disabilities;

   b. Educational services commissions;

   c. Jointure commissions;

   d. Vocational half-time programs;

   e. Department of Education Regional Day Schools; and

   f. Special Service School Districts.

6. All supporting documentation for a Medicaid claim shall be maintained on file and available for audit or State review for at least seven years from the date of service. Supporting documentation shall include provider certification (current and historical for each provider), provider service logs, licenses and certifications, physician authorizations for nursing services, parental consent forms, attendance records, and copies of the student's IEP.

D. SEMI Action Plan

1. A school district that has less than ninety percent participation of SEMI eligible students in the prebudget year or that has failed to comply with all program requirements set forth in C. above shall submit a SEMI action plan to the Executive County Superintendent for review and approval as part of the school district's proposed budget submission.

2. The SEMI action plan shall include the following components:

a. Procedures for obtaining parental consent forms including the Parental Consent Best Practices which are available from the New Jersey Department of Education.

b. Establishment of a benchmark for the 2008-2009 school year or for the first year the district does not have an approved waiver pursuant to the provisions of N.J.A.C. 6A:23A-5.3(b), whichever is applicable, for obtaining maximum participation of all SEMI eligible students by the start of the subsequent school year:

(1) The benchmarks for the 2008-2009 school year or for the first year that the district does not have an approved waiver pursuant to N.J.A.C. 6A:23A-5.3(b), whichever is applicable, for achieving maximum participation shall at a minimum close the gap between current participation and maximum participation by fifty percent by the beginning of the subsequent school year; and

(2) The benchmarks shall be based on the percentage of parental consent forms collected from eligible students. The number of parental consent forms shall reflect one parental consent form for each eligible student. This should include documentation of parental refusal to give consent.

c. Procedures to ensure that all IEP meetings are documented in the third-party administrator's system. IEPs are only claimable if a Medicaid qualified practitioner is present.

d. Procedures to ensure that all SEMI eligible services, including services provided by entities where the school district has placed SEMI eligible students, are documented in the third-party administrator's system.

e. Procedures to ensure that a valid IEP is on file and the IEP date is on file in the third-party administrator's system for each SEMI eligible student for whom parental consent has been obtained.

f. Procedures to ensure that service providers used by the school district and entities where the school district has placed SEMI eligible students have valid licenses and certifications documenting SEMI provider qualifications on file in the third-party administrator's system.

E. Districts that did not achieve ninety percent participation or achieve their approved benchmarks in the SEMI program for a given budget year and cannot demonstrate they fully implemented their New Jersey Department of Education approved SEMI action plan required above shall be subject to review for the withholding of State aid by the Commissioner pursuant to N.J.S.A. 18A:55-3 in an amount equal to the SEMI revenue projection based on their approved benchmark for the budget year, if applicable, less actual SEMI reimbursements for the budget year. The State aid deduction shall be made in the second subsequent year after the budget year.

R 6112 REIMBURSEMENT OF FEDERAL AND OTHER GRANT EXPENDITURES

The State of New Jersey and school districts must assure certain Federal and other grant funds have been, or will be, spent within a minimal amount of time after having been drawn from the Federal government. In accordance with this requirement, the New Jersey Department of Education (NJDOE) has implemented a reimbursement request system of payment for grant awards. The procedures outlined in this Regulation are to be followed by school districts in submitting reimbursement requests. Reimbursement requests for entitlement grant awards under the Every Student Succeeds Act (ESSA), the Individuals with Disabilities Education Act (IDEA), the Carl D. Perkins Career and Technical Education Improvement Act of 2006, and any other program designated by the NJDOE shall be made using the NJDOE's Electronic Web-Enabled Grant (EWEG) System.

A. Definitions

1. "Cost objective" means a function, organizational subdivision, contract, grant, or other activity for which cost data are needed and for which costs are incurred.

2. "Grant" means an award of financial assistance by the Federal government to the State of New Jersey, Department of Education or funds NJDOE receives from the State legislature to be awarded to eligible subgrantees.

3. "Grantee" means the State of New Jersey, Department of Education, to which a grant is awarded by the Federal government.

4. "Subgrant" means an award of financial assistance to an eligible subgrantee, in this case, awards by the State of New Jersey, Department of Education to local education agencies or other eligible entities.

5. "Subgrantee" means the local education agency or other legal entity to which a subgrant is awarded and which is accountable to the State of New Jersey, Department of Education for the use of funds provided.

B. Procedures

1. Functionality

a. The School Business Administrator/Board Secretary or designee will submit reimbursement requests using the payment functionality of the EWEG system.

b. The payment functionality is enabled upon final NJDOE approval of the subgrant application through the EWEG system.

2. Submission of Reimbursement Requests

a. The School Business Administrator/Board Secretary or designee will make reimbursement requests for individual titles and awards. Therefore, reimbursement requests for ESSA will be made for each individual title. Reimbursement requests for IDEA must be made separately for Basic and Preschool as well as for the Perkins Secondary and Perkins Post-Secondary grant funds. Only one reimbursement request per month may be submitted for an individual title, award, or subgrant.

b. Reimbursement requests may only be for expenditures that have already occurred or will occur within three business days of receipt of funds. The following examples are based upon the schedule in Section C. below.

(1) The school district has ordered and received supplies and has paid the vendor. The school district may request reimbursement.

(2) The school district has ordered and received equipment but has not yet paid the vendor. The school district expects payment to be made on the seventh of the following month, following the monthly Board meeting. The school district may request reimbursement since the school district will make payment within three business days of receipt of funds.

(3) The school district makes salary payments on the first and fifteenth day of each month. In a given month, the school district may request reimbursement for payroll expenditures actually made during the month and for the payroll scheduled for the first day of the following month because the school district will make payroll expenditure within three business days of receiving the funds. The school district may not request reimbursement in anticipation of subsequent pay dates, that is, those occurring more than three business days after receiving funds.

(4) The school district is responsible for payment of health benefits to its provider on a quarterly basis. The subgrantee may request reimbursement prospectively if payment to the provider will be made within three business days of receipt of funds. If payment to the provider is made at the end of the month; however, the school district must request reimbursement during the month following payment.

(5) The school district is responsible for reimbursing the State of New Jersey for pension and social security payments made on behalf of employees paid with Federal funds. For members of the Teachers' Pension and Annuity Fund (TPAF), school districts shall reimburse the State no later than November. The request for reimbursement for pension and social security contributions for members of TPAF should be made at the time the school district will make payment to the State. For members of the Public Employees Retirement System or other State pension systems, the school district should request reimbursement at the time payments are due to the State for pension contributions and to the Internal Revenue Service for Social Security contributions. The school district should not include fringe benefit calculations in their regular salary reimbursement requests.

c. The submission of a reimbursement request constitutes a certification by the School Business Administrator/Board Secretary that the school district has previously made the appropriate expenditures and/or will make the expenditures within three business days of receipt of funds. The submission of a reimbursement request also constitutes a certification that the expenditures are allowable and appropriate to the cost objective(s) of the subgrant.

d. Reimbursement requests must be in accordance with approved grant applications.

(1) The Superintendent or designee is responsible for submitting an amendment application to the NJDOE for approval if a new budget category for which no funds were previously budgeted or approved has been created.

(2) The Superintendent or designee is responsible for submitting an amendment application to the NJDOE for approval if cumulative transfers among expenditure categories exceed ten percent of the total award. The Superintendent or designee is responsible for monitoring the cumulative ten percent level of fiscal change.

C. Processing Timelines

1. Reimbursement requests may be submitted at any time after the subgrant has received final NJDOE approval. No more than one reimbursement request may be submitted per month for any one subgrant.

2. Reimbursement requests submitted at least ten business days before the end of the month but no later than the fifteenth day of the month will be reviewed and, if approved, processed for payment the first business day of the following month. School districts will normally receive payment by the fifth business day of the month and will be able to track the grant's payment history in EWEG through the payments link of the grant application.

D. Content of Reimbursement Requests

1. Reimbursement requests must contain a brief description of the expenditures for which reimbursement is being requested. Individual line items need not be detailed.

   a. Example - $8,750 is being requested in the 100 function code. The description is "salaries and instructional supplies."

2. Expenditures must be supported by documentation at the school district level. This documentation should not be submitted to the NJDOE with a reimbursement request. The Superintendent or designee is responsible to maintain supporting documentation for seven years and for making it available to the NJDOE, the United States Department of Education, and/or their authorized representatives upon request.

3. Documentation for salary expenditures is subject to the requirements of the Federal Uniform Grant Guidance. Documentation for all other expenditures must include evidence that the expenditures are allowable costs and of the relationship of the expenditure to the subgrant's cost objectives.

E. Review and Approval of Reimbursement Requests

1. NJDOE staff will review reimbursement requests to determine that they meet the subgrant's criteria, including but not limited to the following:

   a. Adequate description of the expenditures is provided;

   b. No new budget category has been created; and

   c. The reimbursement request does not exceed the allowable threshold for an amendment as a result of cumulative transfers among expenditure categories.

2. When a reimbursement request is approved or denied, the school district will receive an email notification through the EWEG system.

3. Approval of a reimbursement request by NJDOE does not imply approval of the expenditures as allowable or appropriate to the subgrant's cost objectives. Approval of expenditures will continue to be processed through the final report. The School Business Administrator/Board Secretary or designee assumes responsibility for assuring that all funds requested through the EWEG system either have already been expended, or will be expended within three business days of receipt of funds.

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R 6160 GRANTS FROM PRIVATE SOURCES

The Board of Education encourages and will accept funding from private sources, in accordance with Policy No. 6160. The following regulations govern the development and processing of private funding proposals.

A. Sources

1. The School Business Administrator/Board Secretary shall research sources of private funding through individuals and foundations. He/She shall prepare a list of appropriate funding sources in the community and state.

2. All school district employees are encouraged to be alert to possibilities for private resources for school aid, financial and in-kind, from community members and organizations. Any such possibility should be reported to the School Business Administrator/Board Secretary, who will explore the potential for aid with the employee and, as appropriate, the private resource.

3. The School Business Administrator/Board Secretary will visit the directors of foundations interested in educational progress and research to explore areas of mutual interest. He/She will determine whether the foundation will support specific program grants, graduate work for teaching staff members, the construction and/or improvement of school facilities, professional growth activities, arts education, community education, community and school liaison activities, and so forth.

4. The School Business Administrator/Board Secretary, in consultation with the Superintendent, will identify specific district needs and formulate proposals for funding that meet those needs.

B. Approval

Any proposal for private funding must be submitted to the Superintendent before it is formally submitted to the Board of Education for approval. The rationale for the proposal must set forth the objectives for the funding, the proposed program statement, and the means by which the objectives will be evaluated.

Issued: 27 August 2020

R 6210 FISCAL PLANNING

The School Business Administrator/Board Secretary shall implement Policy No. 6210 by preparing a long-range fiscal plan. The plan shall take the form of a chart or spread sheet on which all estimated costs and revenues are plotted for the period of one year beyond the current fiscal year.

A. Future Costs

Future costs will be estimated on the basis of:

1. Cost studies and estimates for the maintenance and development of educational programs;

2. Costs of facilities and equipment maintenance and replacement;

3. Fixed charges (such as interest payments on bonds and redemption of bonds on schedule, lease payments, fixed payments on multi-year contracts);

4. Costs of employee wages and benefits in presently negotiated contracts (both collective and individual);

5. Projections of the cost of successor employee contracts, including the effect of pending graduate studies on the wages of teaching staff members;

6. Effects of projected student populations on capital requirements;

7. Effects of projected student populations on staffing requirements (by necessitating additional staff or a reduction in force);

8. Costs of pending contracts with variable obligations (such as sending-receiving, transportation);

9. Costs of projected operation changes (such as subcontracting custodial services or a change in the delivery of food services);

10. Projected tuition needs for students sent out of district; and

11. Costs of contracts for professional services (such as school medical inspector, school attorney, and auditor).

B. Future Revenues

Future revenues will be plotted on the basis of:

1. Anticipated State and Federal aid;

2. Projected income from local property tax revenues;

3. Present grants in aid from state, federal, and/or private sources; and

4. Anticipated revenues from pending or future grant proposals.

C. Local Impact

The Board may meet periodically with officers and the governing board(s) of Little Ferry to review anticipated school district expenditures and to discuss the joint effect of school and community costs on local tax rates.

D. Report

The School Business Administrator/Board Secretary will confer with the Superintendent on the district long-range fiscal plan annually. Any financial forecast that warns of serious future deficits, overexpenditures, or reduction in revenues shall be reported promptly.

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R 6220 BUDGET PREPARATION

The annual school district budget will be prepared in accordance with the following procedure.

A. Responsibility

1. The School Business Administrator/Board Secretary is responsible for the administration and coordination of all budget preparation activities and will be guided by the budget planning forecasts prepared in accordance with Policy No. 6210.

2. Each Principal will assess the educational needs of the students, collect and evaluate the requests for funds submitted by the teaching and support staff members in his/her building, and compile an estimate of the total building needs for the next budget year. The estimate will be submitted to the School Business Administrator/Board Secretary.

3. Each central office administrator will assess the needs of the program operation for which he/she is responsible (such as staff recruiting, facilities maintenance, transportation, capital improvements) and will prepare an estimate of the program needs for the next budget year. The estimate will be submitted to the School Business Administrator/Board Secretary.

B. Priorities

1. All estimates submitted to the School Business Administrator/Board Secretary in accordance with A2 and A3 will be reasonably detailed and supported by appropriate documentation to justify the expenditures requested. The administrators charged with estimating budgetary needs will be guided by these cost priorities, listed in order of descending importance.

   a. Staffing adequate to sustain the current instructional program,

   b. Supplies and equipment adequate to sustain the current instructional program,

   c. Maintenance of current facilities and programs,

   d. New staff members to improve or expand the current program,

   e. New supplies and equipment to improve or expand the current instructional program, and

   f. New instructional programs.

2. The School Business Administrator/Board Secretary will review all estimates for budget allocations and, as necessary, discuss justifications and possible alternatives with the originating administrator. The School Business Administrator/Board Secretary will:

   a. Compare budget requests with inventory to determine whether requested resources are presently available;

   b. Analyze budget requests on a district-wide basis to determine whether requested resources can be shared; and

   c. Analyze budget requests for staffing requirements and convert those requirements to dollar equivalents.

C. Form

The tentative budget shall contain:

1. The total expenditure for each item for the preceding school year, the amount appropriated for the current school year adjusted for transfers as of the date specified by the New Jersey Department of Education of the current school year, and the amount estimated to be necessary to be appropriated for the ensuing school year, indicated separately for each item as determined by the Commissioner;

2. The amount of the surplus account available at the beginning of the preceding school year, at the beginning of the current school year and the amount anticipated to be available for the ensuing school year;

3. The amount of revenue available for budget purposes from the preceding school year, the amount available for the current school year as of the date specified by the New Jersey Department of Education and the amount anticipated to be available for the ensuing school year in the following categories as applicable:

   a. Revenues to be raised by local sources;

   b. Revenues from State Aid;

   c. Revenues from Federal Aid;

   d. Revenues from intermediate sources;

   e. Other sources of revenue.

4. Transfers between current expense and capital outlay for the preceding school year, the current school year as of the date specified by the New Jersey Department of Education of that year and transfers anticipated for the ensuing school year.

5. A presentation of the student population for the current school year and immediate past school year as reported in the application for State School Aid, and an estimate of the anticipated student population for the next school year; and

6. An estimate of staff composition by numbers in each administrative, instructional, and educational services area for the next school year.

7. All budgetary and accounting systems used in the school district must be in accordance with double entry bookkeeping and Generally Accepted Accounting Principles as included in statutes and administrative code.

D. Timeline

The School Business Administrator/Board Secretary will submit the tentative budget recommendations to the Superintendent in accordance with the budget timeline established by the New Jersey Department of Education and the Board. The proposed expenditures and anticipated revenues in the tentative budget will be supported by sufficient explanatory information to enable the Superintendent and Board to determine their validity.

Issued: 27 August 2020

R 6320 PURCHASES SUBJECT TO BID

A. Definitions

1. "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter, but if there be no School Business Administrator/Board Secretary or Business Manager, such officer, committees or employees to whom such power has been delegated by the Board.

2. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.

3. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board shall advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.

4. "Contract year" means the period of twelve consecutive months following the award of a contract.

5. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.

6. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.

7. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.

8. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.

9. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing or taken verbally if a record is kept by the purchasing agent.

10. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.

11. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.

12. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.

13. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.

B. Solicitation of Bids

1. Bids will be solicited by advertisements placed by the School Business Administrator/Board Secretary in strict compliance with N.J.S.A. 18A:18A-21 and Policy No. 6320. Any advertisements placed without the prior approval of the Board will be reported to the Board at its next meeting.

2. Each specification will offer a clearly stated, common standard of competition and will assert the Board's right to accept reasonable equivalents and to reject all bids in accordance with N.J.S.A. 18A:18A-22 and to readvertise. Each specification will also include the Board's right to disqualify a bidder in accordance with N.J.S.A. 18A:18A-4 et seq. Bid specifications will not be proprietary as to exclude bidders without the opportunity to provide equivalent goods and/or services.

3. The School Business Administrator/Board Secretary will maintain a copy of each bid advertisement and will record the newspaper in which it was advertised and the dates on which it was published.

C. Bid Requirements

1. Bids must be prepared on forms supplied by the school district and must be fully completed, in ink or typewritten, and signed by the bidder. Oral revisions will not be accepted.

2. Bid prices must include delivery to the point of use, unpacking when required, and installation when required. As necessary, bidders may be required to provide instruction in the use and care of equipment delivered both by demonstration and in written form.

3. Bids must include unit prices as well as the total price. In any error in extension, the unit price shall be considered the accurate figure.

4. Because the school district is exempt from the payment of sales and use taxes, all charges for taxes must be borne by the bidder.

5. The bid must note in detail any deviations from specifications. When the specifications indicate a product of a particular manufacturer, model, or brand, the bidder shall bid that particular manufacturer, model, or brand or, unless the specifications prohibit substitution, a substitute proven to be of equal or better grade. If a substitute is bid, the bid must include detailed documentation of its equivalency. Bidders may be required to submit samples of materials or products, to be retained by the Board. The Board shall determine the equivalency or acceptability of any substitute.

6. The manufacturer's written warrantees and guarantees must accompany each bid. Bidders should state in writing any additional guarantees that will become a part of the bid and considered in making the award.

7. The bid shall include a delivery date or the date on which services bid upon will commence.

8. Where applicable, service facilities and convenience of service will be considered as part of the bid and should be included by the bidder. When necessary, a bidder shall submit evidence of his or her ability to provide proper installation, service, and supplies and/or indicate that the provision of the services and supplies is a regular and continuous part of the bidder's business.

9. Where necessary, the bidder shall certify that all applicable Federal and State laws, municipal ordinances, and Board policies have been obeyed in the manufacture, processing, packaging, delivery, and sale of goods and services to the school district. The bidder must declare compliance with:

   a. Affirmative action requirements, pursuant to N.J.S.A. 18A:18A-51,

   b. Stockholders' disclosure statement, pursuant to N.J.S.A. 18A:12-2,

c. Non-collusion certification, pursuant to N.J.S.A. 18A:6-8,

d. And all other documents so required by law and the bid specification.

10. The bidder must declare that no member of the Board or any officer or employee of the school district is directly or indirectly interested in the contract or purchase bid on.

D. Receipt of Bids

1. Bids will be received at the time and place announced and will be opened by the School Business Administrator/Board Secretary in accordance with law. All bids will be submitted in sealed envelopes clearly marked with the words "BID OPENING," the date and time of the opening, and the nature of the contract bid on.

2. Each bid will be accompanied by a deposit for bid security, which will be returned to unsuccessful bidders.

3. A written request for the withdrawal of a bid will be granted if the request is received by the School Business Administrator/Board Secretary before the scheduled time for opening bids.

4. A bidder who claims, before bids are opened, that a mistake has been made in its preparation will be allowed to withdraw the bid but will lose the right to bid.

5. A bidder who discovers a mistake or omission after bids have been opened may withdraw the erroneous bid provided the bidder gives immediate written notice of the mistake or omission and certification supported by clear evidence, that he or she exercised reasonable care in the examination of the specifications and preparation of the bid. Any bidder who withdraws an open bid shall forfeit any bid security deposit with the bid.

E. Award of Contract

1. Bids will be opened by the School Business Administrator/Board Secretary, in the presence of one or more witnesses, at the time and place advertised.

2. The Board will award and sign a contract or reject all bids in accordance with N.J.S.A. 18A:18A-36 and within the time as may be specified in the invitation to bid, but in no case more than sixty days, except that the bids of any bidders who consent may, at the request of the Board, be held for consideration for such longer period as may be agreed.

3. The Board will award the contract to the lowest responsible bidder or will reject all bids. If all bids are rejected, the Board will readvertise or purchase under a state contract.

4. The Board reserves the right to reject any bid and may waive technical deficiencies in an otherwise acceptable bid when such waiver is in the public interest.

5. No contract or order awarded by the Board shall be sublet or assigned without the written consent of the School Business Administrator/Board Secretary.

6. The successful bidder may be required in the bid specifications and upon award of the contract to furnish a surety or performance bond issued by a responsible surety company authorized to transact business in New Jersey, for 100% of the total contract price, insuring faithful performance of the contract. The bond, pursuant to N.J.S.A. 18A:18A-23 and 24, shall be payable to the Board and the cost of the bond is to be included in the bid.

7. The bidder's failure to perform his or her contract with the Board in accordance with the bid accepted by the Board or failure to meet performance bond requirements may result in forfeiture of the bidder's deposit as liquidated damages and not as a penalty.

8. Every bidder is assumed to be acquainted with all the information necessary for the submission of an informed and responsible bid. A successful bidder will be responsible for any errors in his or her proposal resulting from the bidder's failure or neglect to obtain information and forecast costs. The Board will not be responsible for any change in anticipated profits resulting from such failure or neglect.

9. When a contractor fails to perform the terms of the contract promptly, the Board shall give written notice of default. If the contractor fails to cure the default within the time permitted by the notice, the Board may terminate the contract and, at the expense of the contractor or the surety, complete the contract or cause the contract to be completed.

F. Bidder Disqualification

1. The Board may, by resolution approved by a majority of the Board, and pursuant to N.J.S.A. 18A:18A-4 disqualify a bidder who would otherwise be determined to be the lowest responsible bidder, if the Board finds that it has had prior negative experience with the bidder.

a. As used in this section, "prior negative experience" means any of the following:

(1) The bidder has been found, through either court adjudication, arbitration, mediation, or other contractually stipulated alternate dispute resolution mechanism, to have: failed to provide or perform goods or services; or failed to complete the contract in a timely manner; or otherwise performed unsatisfactorily under a prior contract with the Board;

(2) The bidder defaulted on a contract, thereby requiring the Board to utilize the services of another contractor to provide the goods or perform the services or to correct or complete the contract;

(3) The bidder defaulted on a contract, thereby requiring the Board to look to the bidder's surety for completion of the contract or tender of the costs of completion; or

(4) The bidder is debarred or suspended from contracting with any of the agencies or departments of the executive branch of the State of New Jersey at the time of the contract award, whether or not the action was based on experience with the Board.

b. The following conditions apply if the Board is contemplating a disqualification based on prior negative experience:

(1) The existence of any of the indicators of prior negative experience set forth in this section shall not require that a bidder be disqualified. In each instance, the decision to disqualify shall be made within the discretion of the Board and shall be rendered in the best interests of the Board.

(2) All mitigating factors shall be considered in determining the seriousness of the prior negative experience and in deciding whether disqualification is warranted.

(3) The bidder shall be furnished by the Board with a written notice:

(a) Stating that a disqualification is being considered;

(b) Setting forth the reason for the disqualification; and

(c) Indicating that the bidder shall be accorded an opportunity for a hearing before the Board if the bidder so requests within a stated period of time. At the hearing, the bidder shall show good cause why the bidder should not be disqualified by presenting documents and testimony. If the Board determines that good cause has not been shown by the bidder, it may vote to find the bidder lacking in responsibility and, thus, disqualified.

(4) Disqualification shall be for a reasonable, defined period of time which shall not exceed five years.

(5) A disqualification, other than a disqualification pursuant to which a Board is prohibited by law from entering into a contract with a bidder, may be voided or the period thereof may be reduced, in the discretion of the Board, upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as reversal of a judgment, or actual change of ownership, management or control of the bidder.

(6) An opportunity for a hearing need not be offered to a bidder whose disqualification is based on its suspension or debarment by an agency or department of the executive branch of the State of New Jersey. The term of such a disqualification shall be concurrent with the term of the suspension or debarment by the State agency or department.

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R 6340 MULTIPLE YEAR CONTRACTS

A. All contracts for the provision or performance of goods or services will be awarded for a period not to exceed twenty-four consecutive months, except that contracts for professional services pursuant to paragraph (1) of subsection a. of N.J.S.A. 18A:18A-5 shall be awarded for a period not to exceed twelve consecutive months.

B. The Board may award a contract for longer periods of time as follows:

1. Supplying of:

   a. Fuel for heating purposes, for any term not exceeding in the aggregate, three years;

   b. Fuel or oil for use of automobiles, autobuses, motor vehicles or equipment, for any term not exceeding in the aggregate, three years;

   c. Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding forty years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or

2. Plowing and removal of snow and ice, for any term not exceeding in the aggregate, three years; or

3. Collection and disposal of garbage and refuse, for any term not exceeding in the aggregate, three years; or

4. Data processing service, for any term of not more than seven years; or

5. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school Board insurance group, or participation in an insurance fund established by a county pursuant to N.J.S.A. 40A:10-6, or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of not more than three years; or

6. Leasing or servicing of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind and textbooks and non-consumable instructional materials, for any term not exceeding in the aggregate, five years; provided, however, such contracts shall be awarded only subject to and in accordance with rules and regulations promulgated by the State Board of Education; or

7. Supplying of any product or the rendering of any service by a company providing voice, data, transmission or switching services, for a term not exceeding five years; or

8. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years;

9. Provision or performance of goods or services for the purpose of conserving energy in the buildings owned by any local Board of education, the entire price of which shall be established as a percentage of the resultant savings in energy costs, for a term not to exceed fifteen years; except that these contracts shall be entered into only subject to and in accordance with guidelines promulgated by the Board of Public Utilities establishing a methodology for computing energy costs;

10. Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

11. Laundry service and the rental, supply and cleaning of uniforms for any term of not more than three years;

12. Food supplies and food services for any term of not more than three years;

13. Purchases made under a contract awarded by the Director of the Division of Purchase and Property in the Department of the Treasury for use by counties, municipalities or other contracting units pursuant to section 3 of P.L.1969, c.104 (C.52:25-16.1), for a term not to exceed the term of that contract.

C. Any contract for services other than professional services, the statutory length of which contract is for three years or less, may include provisions for no more than one two-year, or two one-year, extensions, subject to the following limitations:

1. The contract must be awarded by resolution of the Board upon a finding by the Board that the services are being performed in an effective and efficient manner;

2. No such contract shall be extended so that it runs for more than a total of five consecutive years;

3. Any price change included as part of an extension shall be based upon the price of the original contract as cumulatively adjusted pursuant to any previous adjustment or extension and shall not exceed the change in the index rate for the twelve months preceding the most recent quarterly calculation available at the time the contract is renewed; and the terms and conditions of the contract remain substantially the same.

D. All multiyear leases and contracts entered into pursuant to N.J.S.A. 18A:18A-42, including any two-year or one-year extensions, except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school Board insurance group, participation in an insurance fund established by a county pursuant to N.J.S.A. 40A:10-6 or contracts for thermal energy authorized pursuant to subsection a. above, and contracts for the provision or performance of goods or services to promote energy conservation authorized pursuant to B.9. of this regulation shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

E. All contracts shall cease to have effect at the end of the contracted period and shall not be extended by any mechanism or provision, unless in conformance with the "Public School Contracts Law," N.J.S.A. 18A:18A-1 et seq., except that a contract may be extended by mutual agreement of the parties to the contract when a Board of Education has commenced rebidding prior to the time the contract expires or when the awarding of a contract is pending at the time the contract expires.

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R 6350 COMPETITIVE CONTRACTING

A. Definitions

1. "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter, but if there be no School Business Administrator/Board Secretary or Business Manager, such officer, committees or employees to whom such power has been delegated by the Board.

2. "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.

3. "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.

4. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.

5. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board will advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.

6. "Contract year" means the period of twelve consecutive months following the award of a contract.

7. "Competitive contracting" means the method described in sections 45 through 49 of P.L.1999, c.440 (C.18A:18A-4.1 through C.18A:18A-4.5) of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or School Business Administrator; and the Board awards a contract to a vendor or vendors from among the formal proposals received.

8. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.

9. "Library and educational goods and services" means textbooks, copyrighted materials, student produced publications and services incidental thereto, including but not limited to books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials, and specialized computer software used as a supplement or in lieu of textbooks or reference material.

10. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.

11. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.

12. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.

13. "Purchase order" means a document issued by the purchasing agent authorizing a purchase transaction with a vendor to provide or perform goods or services to the Board, which, when fulfilled in accordance with the terms and conditions of a request of a purchasing agent and other provisions and procedures that may be established by the Board, will result in payment by the Board.

14. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the purchasing agent.

15. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.

16. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.

17. "Concession" means the granting of a license or right to act for or on behalf of the Board, or to provide a service requiring the approval or endorsement of the Board, and which may or may not involve a payment or exchange, or provision of services by or to the Board, provided that the term concession will not include vending machines.

18. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.

19. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.

B. Competitive Contracting

Competitive contracting may be used in lieu of public bidding for specialized goods or services that exceed the bid threshold provided the process is administered by a purchasing agent, by legal counsel of the Board, or by the School Business Administrator. The Board shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services are desired to be competitively contracted. If the desired goods or services have previously been contracted for using the competitive contracting process then the original resolution of the Board will suffice. Competitive contracting may only be used for the following purposes:

1. The purchase or licensing of proprietary computer software designed for Board purposes, which may include hardware intended for use with the proprietary software, but not for general purpose computer hardware or software;

2. The hiring of a for-profit entity or a not-for-profit entity incorporated under Title 15A of the New Jersey Statutes for the purpose of the operation, management or administration of recreation or social service facilities or programs; or the operation, management or administration of data processing services;

3. Services performed by an energy services company pursuant to N.J.S.A. 40A:18A-4.1.c.;

4. Telecommunications transmission or switching services that are not part of a tariff or schedule of charges filed with the Board of Public Utilities;

5. The purchase of specialized machinery or equipment of a technical nature, or servicing thereof, which will not reasonably permit the drawing of specifications;

6. Food services provided by food service management companies when not part of programs administered by the New Jersey Department of Agriculture, Bureau of Child Nutrition Programs;

7. Driver education courses provided by licensed driver education schools;

8. At the option of the Board, any good or service that is exempt from bidding pursuant to N.J.S.A. 18A:18A-5;

9. Laboratory testing services;

10. Concessions;

11. The operation, management or administration of other services, with the approval of the Division of Local Government Services in the Department of Community Affairs.

Any purpose included in 1 through 11 above, will not be considered by a Board as an extraordinary unspecifiable service pursuant to N.J.S.A. 18A:18A-5. Unless an exception is provided for under N.J.S.A. 18A:18A-42 permitting a longer contract duration, contracts awarded under competitive contracting may be for a term not to exceed five years.

C. Requests for Proposals

1. The purchasing agent will prepare request for proposal documentation, which will include:

   a. All requirements deemed appropriate and necessary to allow for full and free competition between vendors;

   b. Information necessary for potential vendors to submit a proposal; and

   c. A methodology by which the Board will evaluate and rank proposals received from vendors.

2. The methodology for the awarding of competitive contracts will be based on an evaluation and ranking, which will include technical, management, and cost related criteria, and may include a weighting of criteria. This methodology will be developed in a way that is intended to meet the specific needs of the district and where such criteria will not unfairly or illegally discriminate against or exclude otherwise capable vendors.

   a. When an evaluation methodology uses a weighting of criteria, at the option of the Board the weighting to be accorded to each criterion may be disclosed to vendors prior to receipt of the proposals.

   b. The methodology for awarding competitive contracts will comply with such rules and regulations as the Director of the Division of Local Government Services in the Department of Community Affairs may adopt in accordance with N.J.S.A. 18A-4.4(a).

3. At no time during the proposal solicitation process will the purchasing agent convey information, including price, to any potential vendor which could confer an unfair advantage upon that vendor over any other potential vendor. If a purchasing agent desires to change proposal documentation, the purchasing agent will notify only those potential vendors who received the proposal documentation of any and all changes in writing and all existing documentation will be changed appropriately.

4. All proposals and contracts will be subject to the provisions of section 1 of P.L.1977, c.33 (C.52:25-24.2) requiring submission of a statement of corporate ownership and the provisions of P.L.1975, c.127 (C.10:5-31 et seq.) concerning equal employment opportunity and affirmative action.

D. Soliciting, Evaluating and Awarding Competitive Bid Contracts

1. Notice of the availability of Request for Proposal

   a. Request for Proposal documentation will be published in an official newspaper of the Board at least twenty days prior to the date established for the submission of proposals.

   b. The purchasing agent will promptly reply to any request by an interested vendor by providing a copy of the request for proposals.

   c. The Board may charge a fee for the proposal documentation that will not exceed $50.00 or the cost of reproducing the documentation, whichever is greater.

2. Submission of Request for Proposals

   a. Each interested vendor will submit a proposal which will include all the information required by the request for proposals.

   b. Failure to meet the requirements of the request for proposals may result in the Board disqualifying the vendor from further consideration.

   c. Under no circumstances will the provisions of a proposal be subject to negotiation by the Board.

3. Competitive Contracting - Subcontracting Services

   a. If the Board, at the time of solicitation, utilizes its own employees to provide the goods or perform the services, or both considered for competitive contracting, the Board will, at any time prior to, but no later than the time of solicitation for competitive contracting proposals, notify affected employees of the Board's intention to solicit competitive contracting proposals.

   b. Employees or their representatives will be permitted to submit recommendations and proposals affecting wages, hours, and terms and conditions of employment in such a manner as to meet the goals of the competitive contract.

c. If employees are represented by an organization that has negotiated a contract with the Board, only the bargaining unit will be authorized to submit such recommendations or proposals.

d. When requested by such employees, the Board will provide such information regarding budgets and the costs of performing the services by such employees as may be available.

e. Nothing will prevent such employees from making recommendations that may include modifications to existing labor agreements in order to reduce such costs in lieu of award of a competitive contract, and agreements implementing such recommendations may be considered as cause for rejecting all other proposals.

4. Evaluation of Requests for Proposals

a. The purchasing agent will evaluate all proposals only in accordance with the methodology described in the request for proposals. After proposals have been evaluated, the purchasing agent will prepare a report in accordance with N.J.S.A. 18A:18A-4.5d evaluating and recommending the award of a contract or contracts. The report will:

(1) List the names of all potential vendors who submitted a proposal and will summarize the proposals of each vendor;

(2) Rank vendors in order of evaluation;

(3) Recommend the selection of a vendor or vendors, as appropriate, for a contract;

(4) Be clear in the reasons why the vendor or vendors have been selected among others considered; and

(5) Detail the terms, conditions, scope of services, fees, and other matters to be incorporated into a contract.

The report will be made available to the public at least forty-eight hours prior to the awarding of the contract, or when made available to the Board, whichever is sooner. The Board will have the right to reject all proposals for any of the reasons set forth in N.J.S.A. 18A:18A-22.

5. Award of Contract

   Award of a contract will be made by resolution of the Board within sixty days of the receipt of the proposals, except that the proposals of any vendors who consent thereto, may, at the request of the Board, be held for consideration for such longer period as may be agreed.

6. Competitive Contracting Report

   The report prepared pursuant to N.J.S.A. 18A:18A-4.5d of this section will become part of the public record and will reflect the final action of the Board. Contracts will be executed pursuant to N.J.S.A. 18A:18A-40.

7. Publication of Contracts Awarded Using Competitive Contracting

   a. The Secretary of the Board will publish a notice in the official newspaper of the Board summarizing the award of a contract, which will include but not be limited to:

      (1) The nature, duration, and amount of the contract;

      (2) The name of the vendor; and

      (3) A statement that the resolution and contract are on file and available for public inspection in the office of the Secretary of the Board.

Issued: 27 August 2020

R 6421 PURCHASES BUDGETED

A. Definitions

1. "Purchasing agent" means the School Business Administrator/Board Secretary or the Business Manager of the Board of Education duly assigned the authority, responsibility and accountability for the purchasing activity of the Board and having the power to prepare advertisements, to advertise for and receive bids and to award contracts as permitted by this chapter, but if there be no School Business Administrator/Board Secretary or Business Manager, such officer, committees or employees to whom such power has been delegated by the Board.

2. "Extraordinary unspecifiable services" means services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.

3. "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services may also mean services rendered in the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor.

4. "Aggregate" means the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a purchasing agent.

5. "Bid threshold" means the dollar amount set in N.J.S.A. 18A:18A-3, above which a Board shall advertise for and receive sealed bids in accordance with procedures set forth in N.J.S.A. 18A:18A-1 et seq.

6. "Contract year" means the period of twelve consecutive months following the award of a contract.

7. "Competitive contracting" means the method described in sections 45 through 49 of P.L.1999, c.440 (C.18A:18A-4.1 through C.18A:18A-4.5) of contracting for specialized goods and services in which formal proposals are solicited from vendors; formal proposals are evaluated by the purchasing agent or counsel or School Business Administrator; and the Board awards a contract to a vendor or vendors from among the formal proposals received.

8. "Goods and services" or "goods or services" means any work, labor, commodities, equipment, materials, or supplies of any tangible or intangible nature, except real property or any interest therein, provided or performed through a contract awarded by a purchasing agent, including goods and property subject to N.J.S.A. 12A:2-101 et seq.

9. "Library and educational goods and services" means textbooks, copyrighted materials, student produced publications and services incidental thereto, including but not limited to books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials, and specialized computer software used as a supplement or in lieu of textbooks or reference material.

10. "Lowest price" means the least possible amount that meets all requirements of the request of a purchasing agent.

11. "Lowest responsible bidder or vendor" means the bidder or vendor: (1) whose response to a request for bids offers the lowest price and is responsive; and (2) who is responsible.

12. "Official newspaper" means any newspaper designated by the Board pursuant to R.S.35:1-1 et seq.

13. "Purchase order" means a document issued by the purchasing agent authorizing a purchase transaction with a vendor to provide or perform goods or services to the Board, which, when fulfilled in accordance with the terms and conditions of a request of a purchasing agent and other provisions and procedures that may be established by the Board, will result in payment by the Board.

14. "Quotation" means the response to a formal or informal request made by a purchasing agent to a vendor for provision or performance of goods or services, when the aggregate cost is less than the bid threshold. Quotations may be in writing, or taken verbally if a record is kept by the purchasing agent.

15. "Responsible" means able to complete the contract in accordance with its requirements, including but not limited to requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit, and workforce, equipment, and facilities availability.

16. "Responsive" means conforming in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request.

17. "Concession" means the granting of a license or right to act for or on behalf of the Board, or to provide a service requiring the approval or endorsement of the Board, and which may or may not involve a payment or exchange, or provision of services by or to the Board, provided that the term concession shall not include vending machines.

18. "Proprietary" means goods or services of a specialized nature, that may be made or marketed by a person or persons having the exclusive right to make or sell them, when the need for such goods or services has been certified in writing by the Board to be necessary for the conduct of its affairs.

19. "Service or services" means the performance of work, or the furnishing of labor, time, or effort, or any combination thereof, not involving or connected to the delivery or ownership of a specified end product or goods or a manufacturing process. Service or services may also include an arrangement in which a vendor compensates the Board for the vendor's right to operate a concession.

B. All purchasing for the school district will be conducted under the authority of the purchasing agent as defined in N.J.S.A. 18A:18A-2.b. and as designated by the Board.

C. Any contract, the amount of which exceeds the bid threshold, shall be negotiated and awarded by the Board by resolution at a public meeting without public advertising for bids and bidding therefor if the subject matter thereof consists of:

1. Professional services. The Board will in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in an official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the Board;

2. Extraordinary unspecifiable services which cannot reasonably be described by written specifications. The Board will in each instance state supporting reasons for its action in the resolution awarding the contract for extraordinary unspecifiable services and shall forthwith cause to be printed, in the manner set forth in C.1. above a brief notice of the award of such contract;

3. The doing of any work by employees of the Board;

4. The printing of all legal notices; and legal briefs, records and appendices to be used in any legal proceeding in which the Board may be a party;

5. Library and educational goods and services;

6. Food supplies, including food supplies for home economics classes, when purchased pursuant to rules and regulations of the State Board and in accordance with the provisions of N.J.S.A. 18A:18A-6;

7. The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with the tariffs and schedules of charges made, charged and exacted, filed with said Board;

8. The printing of bonds and documents necessary to the issuance and sale thereof by a Board;

9. Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

10. Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

11. Publishing of legal notices in newspapers as required by law;

12. The acquisition of artifacts or other items of unique intrinsic, artistic or historic character;

13. Those goods and services necessary or required to prepare and conduct an election;

14. The doing of any work by persons with disabilities employed by a sheltered workshop;

15. Expenses for travel and conferences;

16. The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or acquire or update non-proprietary software;

17. Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;

18. Goods and services paid with funds that: are raised by or collected from students to support the purchase of student oriented items or materials, such as yearbooks, class rings, and a class gift; and are deposited in school or student activity accounts; and require no budget appropriation from the Board;

19. Food services provided by food service management companies pursuant to procedures established by the New Jersey Department of Agriculture, Bureau of Child Nutrition Programs;

20. Vending machines providing food or drink.

D. Any contract, the amount of which exceeds the bid threshold, shall be negotiated and awarded by the Board by resolution at a public meeting without public advertising for bids and bidding therefor

1. If the contract is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any Board, body, officer, agency, authority or Board or any other State or subdivision thereof.

2. Bids have been advertised pursuant to N.J.S.A. 18A:18A-4 on two occasions and

a. No bids have been received on both occasions in response to the advertisement, or

b. The Board has rejected such bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the prior to the advertising therefor, or have not been independently arrived at in open competition, or

c. On one occasion no bids were received pursuant to a. above and on one occasion all bids were rejected pursuant to b. above, in whatever sequence; any such contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the Board authorizing such a contract; provided, however, that:

(1) A reasonable effort is first made by the Board to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the Board is located, or any municipality in close proximity to the Board;

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to N.J.S.A. 18A:18A-4; and

(3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications which were the subject of competitive bidding pursuant to N.J.S.A. 18A:18A-4 shall be stated in the resolution awarding the contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the Board will notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the Board shall not award such contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for such goods or services.

3. Whenever the Board determines that a bid was not arrived at independently in open competition pursuant to subsection c.(2) of N.J.S.A. 18A:18A-5, it shall thereupon notify the county prosecutor of the county in which the Board is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

4. The Board has solicited and received at least three quotations on materials, supplies or equipment for which a State contract has been issued pursuant to N.J.S.A. 18A:18A-10, and the lowest responsible quotation is at least 10% less than the price the Board would be charged for the identical materials, supplies or equipment, in the same quantities, under the State contract. Any such contract will be entered into in accordance with N.J.S.A. 18A:18A-5.e. and may be made, negotiated or awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the Board at a meeting thereof authorizing such a contract or agreement.

E. Quotations

1. For all contracts that in the aggregate are less than the bid threshold but fifteen percent or more of that amount, and for those contracts that are for subject matter enumerated in subsection a. of N.J.S.A. 18A:18A-5, except for paragraph (1) of that subsection concerning professional services and paragraph (3) of that subsection concerning work by employees of the Board, the purchasing agent shall award the contract after soliciting at least two competitive quotations, if practicable. The award shall be made to a vendor whose response is most advantageous, price and other factors considered. The purchasing agent shall retain the record of the quotation solicitation and shall include a copy of the record with the voucher used to pay the vendor.

2. When in excess of the bid threshold, and after documented effort by the purchasing agent to secure competitive quotations, a contract for extraordinary unspecifiable services may be awarded when the purchasing agent has determined in writing that solicitation of competitive quotations is impracticable. Any such contract shall be awarded by resolution of the Board.

3. If authorized by the Board by resolution, all contracts that are in the aggregate less than fifteen percent of the bid threshold may be awarded by the purchasing agent without soliciting competitive quotations.

4. Whenever two or more responses to a request of a purchasing agent offer equal prices and are the lowest responsible bids or proposals, the Board may award the contract to the vendor whose response, in the discretion of the Board, is the most advantageous, price and other factors considered. In such a case, the award resolution or purchase order documentation shall explain why the vendor selected is the most advantageous.

F. Requisitions

1. A requisition for goods and/or services may be originated by any school district employee who perceives a need for such goods and/or services.

2. The requisitioner will prepare and sign a multiple part requisition form, filling in the following information:

   a. Description and quantity of item or service desired;

   b. Unit price and total amount (actual or estimated) of proposed purchase;

   c. Desired brand or vendor;

   d. The building, program, subject, or class in which the goods or service will be used;

   e. The name and title of the requisitioner; and

   f. The date on which the requisition is filed.

3. Requisitions for lost or stolen equipment must be accompanied by an explanatory report.

4. The requisitioner will retain a copy of the requisition form. Copies of the requisition form will be filed with the Principal or the appropriate supervisor for consideration.

5. The Principal or immediate supervisor will determine:

   a. The need for the requisitioned goods or services;

   b. Whether the desired goods or services are presently available elsewhere in the district or are available without cost from another source;

   c. The appropriateness of the proposed expenditure;

   d. Whether the requisition can be combined with others for greater efficiency and economy;

   e. Whether the originator's needs can be better met by an alternate purchase; and

   f. Whether uncommitted funds remain in the budget allocations to the school or program, sufficient to cover the proposed expenditure.

6. A requisition not approved by the Principal or immediate supervisor will be returned to the requisitioner with the reason for its rejection.

7. When approval is given, the Principal or immediate supervisor will sign and date the requisition, indicate the account to be charged, retain the duplicate copy, and file the original with the School Business Administrator/Board Secretary, for approval.

8. A requisition that originates with a Principal, immediate supervisor, or central office administrator must be approved by the School Business Administrator/Board Secretary.

9. If the School Business Administrator/Board Secretary denies approval of a requisition approved or originated by a Principal, immediate supervisor, or central office administrator, he or she will so notify the approver or originator with the reason for the denial.

G. Purchase Orders

1. Before a purchase order is prepared for an approved requisition, the School Business Administrator/Board Secretary shall determine whether:

   a. The proposed purchase is exempt from bid in accordance with N.J.S.A. 18A:18A-5;

b. If appropriate, vendors' quotations have been solicited in accordance with F above;

c. The requisition can be processed without resort to advertisement for bid or solicitation of quotations; or

d. The proposed purchase is in excess of the bid threshold and may be Competitively Contracted in accordance with N.J.S.A. 18A:18A-4.5.

2. A requisition that is not exempt from bid shall be submitted to the School Business Administrator/Board Secretary for advertisement.

3. Approved requisitions must be authorized as follows:

a. If within the budget and not subject to bid, authorized by the School Business Administrator/Board Secretary;

b. If within the budget and subject to bid, authorized by a Board resolution awarding a contract after bid;

c. If not in the budget or in excess of the line item allocation, authorized by the Board or, as permitted by Policy No. 6422 between Board meetings, by the School Business Administrator/Board Secretary.

4. To prepare a purchase order, the School Business Administrator/Board Secretary shall

a. Verify and enter the account to which the purchase will be assigned;

b. Assign a purchase order number to the expenditure;

c. Verify and enter the name and address of the vendor;

d. Verify and enter the description of the goods and/or services, including, as appropriate, the quality standards of the goods sought;

e. Verify as necessary, by telephone call to the vendor or by reference to a catalog, and enter the unit cost of the goods and/or services;

f. Extend and total costs;

g. Check that the requisition has been properly approved and authorized; and

h. Determine and enter the desired delivery date and any necessary delivery instructions.

5. Each purchase order will be completed in full and forwarded to the School Business Administrator/Board Secretary for approval and signature.

6. The School Business Administrator/Board Secretary shall encumber the appropriate account in the amount of the purchase order.

7. Copies of the purchase order will be distributed as required.

8. A purchase order may be issued to confirm an oral order given to a vendor under bona fide emergency circumstances, pursuant to Policy No. 6422. A confirmation order will be so designated.

9. Open purchase orders may be written for vendors who regularly provide the school district with certain goods and/or services. Any open purchase order may be exempt from the requirement for bidding, must specify a "not to exceed" amount, and must be closely monitored to determine that the aggregate amount of goods and/or services does not exceed the bid threshold in any twelve month period.

H. Payment

Purchases will be paid in accordance with Policy No. 6470 and Regulation No. 6470.

Issued: 27 August 2020

R 6422 BUDGET TRANSFERS

A. Transfer of Surplus or Other Unbudgeted or Underbudgeted Revenue Between April 1 and June 30

1. The Board may transfer surplus or other unbudgeted or underbudgeted revenue between April 1 and June 30 only upon prior approval of the transfer by the Executive County Superintendent, as the Commissioner's designee, pursuant to N.J.S.A. 18A:22-8.1.

2. Requests must be received by June 30.

3. All approved transfer requests must be expended or encumbered for the approved use by June 30, or the district shall reserve and designate such funds for tax relief in the subsequent budget year.

4. To request approval of such transfers, the district shall submit to the Executive County Superintendent the following:

   a. Documentation of approval of the transfer by a two-thirds affirmative vote of the authorized membership of the Board;

   b. Certification by that same membership of the Board that the transfer is necessary to achieve the thoroughness standards for the current year. The certification shall include the purpose, need of transfer and include, at a minimum, a list of specific line items to be transferred into and corresponding amounts. Requests to appropriate surplus for textbooks, computers, equipment, or other needs for use and operation for the subsequent school year is not considered a need for the current year and shall not be approved; and

   c. The latest Board Secretary's report as documentation that no other line item balances are available and all appropriation balances are or will be expended or encumbered.

B. Transfer of Surplus or Other Unbudgeted or Underbudgeted Revenue Prior to April 1

1. Prior to April 1, the Board may petition the Commissioner, by a two-thirds affirmative vote of the authorized membership of the Board, for approval of a transfer of surplus or other unbudgeted or underbudgeted revenue only for an emergent circumstance.

2. The district shall be subject to an on-site inspection by the Executive County Superintendent for verification of the emergent circumstance and other supporting documentation.

3. The district shall submit such Board-approved petition to the Executive County Superintendent for recommendation to the Commissioner. At a minimum, the submission shall include the following:

   a. Certification the transfer is necessary for an emergent circumstance, that no other line item balances are or will be available, and that the remaining surplus will enable the district to operate in a fiscally solvent position for the remainder of the budget year;

   b. Documentation the emergent circumstance, if not addressed through an appropriation of additional revenue, would render peril to the health and safety of students or staff, and/or force the district into an operating deficit as a result of the required implementation of the thoroughness standards;

   c. The latest Board Secretary's report as documentation that no other line item balances are or will be available as set forth in (1) below:

      (1) Any unexpended, unencumbered balances are for non-discretionary fixed costs and supported by historical expenditures or other documentation ensuring that the balances will be expended by June 30.

   d. Evidence of approval of the petition and supporting documentation by a two-thirds affirmative vote of the authorized membership of the Board.

C. Appropriations at Any Time Without Commissioner Approval

1. The Board may at any time and without Commissioner approval:

   a. Appropriate unbudgeted or underbudgeted State aid for which the approval was granted by the Department of Education in the written notification to the Board of the additional aid;

   b. Appropriate unbudgeted and underbudgeted tuition revenue generated from a school district-specific program, which is not part of a formal sending-receiving relationship pursuant to N.J.S.A. 18A:38-19 and 18A:46-21;

c. Appropriate unbudgeted or underbudgeted school transportation revenue generated from a school district's or Coordinated Transportation Services Agency's role as the host provider of school transportation services pursuant to N.J.S.A. 18A:39-11 and 18A:39-11.1;

d. Appropriate unbudgeted or underbudgeted restricted miscellaneous local revenue;

e. Appropriate unbudgeted or underbudgeted Federal revenue; and

f. Appropriate surplus generated from any Federal and/or State revenue excluded from the excess surplus calculation in the prebudget year in accordance with the annual audit program.

D. Transfers from General Fund Appropriation Accounts

1. For the purposes of Policy and Regulation 6422, "general fund appropriation account" means the required advertised appropriation accounts pursuant to N.J.S.A. 18A:22-1 et seq., except where consolidated as follows:

a. Basic skills, bilingual and special education instruction, including other related and extraordinary services;

b. Student activities, student athletics, and other student instructional services;

c. Student support services, including attendance, health, guidance, Child Study Team, and media;

d. Improvement of instruction and staff training; and

e. Special programs (Fund 13).

2. For all transfers from any general fund appropriation account as defined in D.1. above, and as amended to include prior year encumbrances carried forward to the current year and revenue appropriated pursuant to C. above, the Board shall obtain the approval for such transfers by two-thirds affirmative vote of the authorized membership of the Board, pursuant to N.J.S.A. 18A:22-8.1.

a. When the total amount of such transfers, on a cumulative basis, exceeds ten percent of the amount of the account that was included in the school district's budget as certified for taxes, as amended to include prior year encumbrances carried forward to the current year and revenue appropriated pursuant to C. above, the Board shall request in writing approval from the Executive County Superintendent, as the Commissioner's designee, by submitting the request and purpose for the transfer using the report pursuant to (1) below.

(1) The Board may request approval from the Executive County Superintendent prior to obtaining the two-thirds affirmative vote of the authorized membership of the school Board for such approval.

(2) The Board's written transfer request shall be deemed approved after ten working days of receipt of such request by the Executive County Superintendent if no Executive County Superintendent approval or denial is provided within that timeframe. The district shall maintain documentation of the Executive County Superintendent's receipt of all transfer requests deemed approved under this provision.

b. Prior to any transfers from capital outlay accounts to current expense, except for equipment, the district shall submit a written request for approval to the Executive County Superintendent with documentation that such transfer is required due to demonstrated hardship.

E. Transfers to Certain Advertised Appropriation Accounts

1. For all transfers to the advertised appropriation accounts identified as general administration, school administration, central services and administrative information technology, or other support services that, on a cumulative basis, exceed ten percent of the amount of the account included in the school district's budget as certified for taxes, amended to include prior year encumbrances carried forward to the current year, a Board shall, prior to such transfer, submit to the Executive County Superintendent, in a format prescribed by the Commissioner, a request for such approval.

a. Such approval will not be granted, except as provided in b. below if:

(1) The school district's budget currently exceeds the administrative cost limits; or

(2) The transfer would result in a budget in excess of the administrative cost limits in the applicable budget year, as prescribed in N.J.S.A. 18A:7F-5(c).

b. Transfers may be approved to support a contractual obligation or one-time increase in spending as justified by district documentation. Transfers may not be approved if the district did not budget sufficient funds upon review of actual expenditures and historical trends in those accounts. A district that is granted such approval remains subject to the requirements set forth in N.J.S.A. 18A:7F-5(c).

F. Transfers to Capital Outlay Accounts

1. For all transfers to the advertised appropriation accounts identified as capital outlay for a capital outlay project not previously approved by the voters or Board of School Estimate pursuant to N.J.A.C. 6A:23A-8.4, the Board shall, prior to such transfer, submit to the Executive County Superintendent a request for such approval.

Approvals are required for unbudgeted or underbudgeted revenue, including those listed and appropriated pursuant to C. above and shall only be granted for requests with written documentation that supports the existence of an emergent circumstance as defined in B.3.b. above and only after an on-site inspection by the Executive County Superintendent to verify the emergent circumstance. Transfers to equipment accounts or to supplement a capital outlay project previously approved by the voters or Board of School Estimate, pursuant to N.J.A.C. 6A:23A-8.4, do not require approval by the Executive County Superintendent.

a. The district shall maintain a report of current month and year-to-date transfers between general fund appropriation accounts as defined in D. above, in a format prescribed by the Commissioner, or in a format developed locally and approved by the Executive County Superintendent, and submit such report to the Executive County Superintendent with any transfer requests and in accordance with the submission requirements of the Board Secretary's and Treasurer's financial reports under N.J.A.C. 6A:23A-16.10.

Issued: 27 August 2020

R 6424 EMERGENCY CONTRACTS

A. Any contract may be negotiated or awarded for a Board of Education without public advertising for bids and notwithstanding that the contract price will exceed the bid threshold when an emergency affecting the health or safety of occupants of school property requires the immediate delivery of goods or the performance of services, provided that the contracts are awarded in the following manner:

1. The official in charge of the building, facility, or equipment wherein the emergency occurred or such other officer or employee as may be authorized to act in place of that official, shall notify the purchasing agent and/or School Business Administrator/Board Secretary of:

   a. The need for the performance of a contract;

   b. The nature of the emergency;

   c. The time of its occurrence; and

   d. The need for invoking this section.

2. Such notification shall be reduced to writing and filed with the purchasing agent and School Business Administrator/Board Secretary as soon as practicable.

3. If the School Business Administrator/Board Secretary is satisfied that an emergency exists, he/she shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs.

B. Upon the furnishing of such goods or services, in accordance with the terms of the contract, the contractor furnishing such goods or services, shall be entitled to be paid and the Board shall be obligated for said payment. The Board shall take such action as shall be required to provide for the payment of the contract price.

C. If conditions permit, the School Business Administrator/Board Secretary shall seek quotations from more than one source. And, if the expenditures are expected to be in excess of the bid threshold, the School Business Administrator/Board Secretary shall attempt to obtain no fewer than three quotations.

D. When emergency conditions have eased, the School Business Administrator/Board Secretary shall utilize the regular purchasing system to obtain estimates from suppliers, vendors, and contractors for materials and/or services that will eliminate the circumstances that created the emergency.

E. The School Business Administrator/Board Secretary shall submit a final report to the Board on every occasion an emergency contract is negotiated or awarded in accordance with the provisions of N.J.S.A. 18A:18A-7. The report shall describe:

1. The nature of the emergency;

2. The time of its occurrence;

3. The need for invoking this regulation;

4. The action taken;

5. The costs of the action;

6. The accounts to be charged; and

7. The plan for preventing a similar situation in the future.

Issued: 27 August 2020

R 6470 PAYMENT OF CLAIMS

A. Receipt of Goods and Services

1. The staff member authorized to receive goods or services shall check them against the purchase order issued and determine whether the goods or services delivered meet the specifications and quantities set forth in the purchase order.

2. The authorized staff member will record his or her approval of the received goods or services on the receiving copy of the purchase order and return it to the Business office. A copy of the purchase order will be retained by the receiving staff member.

3. Any over supply, shortage, substitution, or other discrepancy must be reported immediately to the School Business Administrator/Board Secretary or designee.

B. Approval of Invoice

1. The School Business Administrator/Board Secretary or designee shall verify the vendor's invoice for the correct billing price and check the invoice for accurate extensions and omission of tax.

2. The School Business Administrator/Board Secretary or designee shall attach the vendor's invoice and verification voucher, if a verification voucher is necessary, to the copy of the purchase order received from the requisitioner certifying satisfactory completion of the service or receipt of the goods.

3. If the invoice price exceeds the purchase order price the invoice will be referred to the School Business Administrator/Board Secretary, who will only approve a payment amount in excess of the approved purchase order amount in accordance with the provisions of Policy 6470 and N.J.A.C. 6A:23A-6.10.

4. If extensions are incorrectly calculated, the invoice will be returned to the vendor for correction.

5. If tax has been charged, the invoice will be returned to the vendor for correction with a copy of the district's tax exemption certificate.

6. If goods or services received were not satisfactory, the receiving staff member and the vendor will be consulted in order to reach a resolution satisfactory to all parties.

7. The final invoice, verification voucher (if necessary), verified receipt, and all accompanying papers will be forwarded to the School Business Administrator/Board Secretary or designee.

C. Issuance of Warrants

1. The School Business Administrator/Board Secretary or designee may prepare warrants for expenditures for which the Board has waived approval as listed in Policy 6470.

2. All claims paid without prior Board approval as permitted in Policy 6470 and N.J.S.A. 18A:19-4.1 et seq. shall be reported to the Board at its next meeting after the warrant is drawn.

3. All other demands for payment will be submitted to the Board for approval.

4. In accordance with Policy 6470, claims must be submitted to the Board in the form of a list that includes the:

   a. Number, amount, and date of the warrant,

   b. Payee,

   c. Reason for the expenditure, and

   d. Account charged.

5. When the expenditure has been approved, the authorized Business office staff member will debit the correct account and credit the encumbrance.

6. A warrant will be prepared for the payment of goods or services. The warrant number will be recorded on the file copy of the vendor's invoice.

7. All warrants shall be signed by the Board President, the Board Secretary, Superintendent, and/or the Treasurer of School Moneys, as appropriate to the district and in accordance with the requirements of applicable statutes and administrative codes.

8. The Board of Education shall approve the authorized signatures to be required on warrants for each account. Warrants may be signed in one or more of the following manners:

   a. Warrants may be run through a checkwriter machine for imprint of the required signatures. A checkwriter machine will be kept in a secured location. The key(s) to the checkwriter machine will be removed from the checkwriter machine when it is not in use and stored in a secured location not with the checkwriter machine.

b. Warrants may have the required signatures affixed by use of signature stamps. When the signature stamps are not in use they will be kept in a secured location.

c. Warrants may have an imprint of the signatures affixed by the computerized system when the warrants are printed. The computer system used to prepare warrants and affix signatures shall have appropriate security software to assure that unauthorized individuals do not have access to the system.

Issued: 27 August 2020

R 6471 SCHOOL DISTRICT TRAVEL PROCEDURES

A. Approval of Travel Expense Reimbursement

The following procedure shall be implemented for all Board of Education staff members and Board members seeking to receive travel expense reimbursement in accordance with the provisions of N.J.A.C. 6A:23A-7 and Policy 6471:

1. All requests for travel must be submitted to the Superintendent or designee prior to the requested travel date(s) within the timeframe established by the Superintendent for the request to be considered and for submission of the request to the Board for Board approval.

2. The Superintendent may require travel requests be submitted to a Principal, the School Business Administrator/Board Secretary, and/or the staff member's immediate supervisor for preliminary approval before considering such request for submission to the Board.

3. A travel request will not be approved unless it includes the following information:

   a. Name and dates of event;

   b. A list of Board members and/or employees to attend either by name or title;

   c. Estimated cost associated with travel;

   d. A justification and brief statement that includes the primary purpose for the travel and the key issues that will be addressed at the event and their relevance to improving instruction or the operation of the school district. For training events, whether the training is required for continued employment, continuing education requirements, requirements for State law, or other purpose related to the programs or services currently being delivered or soon to be implemented in the school district, or related to district operations;

   e. Account number and funding source – Federal, State, private or local;

   f. In the case of annual events, total attendance, and cost for previous year.

4. The Superintendent shall review and may approve or deny each request for travel submitted by a school staff member. The Superintendent's signature designating approval is required on each request from school staff members for travel expenses prior to submission to the Board for approval.

a. The School Business Administrator/Board Secretary shall review all requests for school staff member travel either before or after the Superintendent's approval and prior to submission to the Board for Board approval. The School Business Administrator/Board Secretary or designee will determine if the expenses as outlined in the request are in compliance with N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, the current State travel payment guidelines established by the Department of the Treasury, and the current guidelines established by the Federal Office of Management and Budget.

b. If the travel request for a school staff member is approved by the Superintendent and if the requested travel expenses are in compliance with the guidelines outlined above, the travel request will be submitted to the Board of Education for approval.

c. If any travel expenses requested by a school staff member are not in compliance with the guidelines outlined above, the School Business Administrator/Board Secretary will return the request to the Superintendent.

(1) The Superintendent may deny the request, approve the request conditioned upon the staff member assuming the financial responsibility for those travel expenses that are not in compliance with the guidelines, or may return the request to the school staff member to be revised in accordance with the guidelines outlined above.

5. The Superintendent and/or the School Business Administrator/Board Secretary shall review each travel request submitted by a Board member.

a. The School Business Administrator/Board Secretary shall review all requests for Board member travel prior to submission to the Board for Board approval. The School Business Administrator/Board Secretary or designee will determine if the expenses as outlined in the travel request are in compliance with N.J.S.A. 18A:11-12, N.J.A.C. 6A:23A-7, the current State travel payment guidelines established by the Department of the Treasury, and the current guidelines established by the Federal Office of Management and Budget.

b. If the requested travel expenses for a Board member are in compliance with the guidelines outlined above, the travel request will be submitted to the Board of Education for approval.

c. If any travel expenses requested by a Board member are not in compliance with the guidelines outlined above, the School Business Administrator/Board Secretary will return the request to the Board member to be revised in accordance with the guidelines outlined above.

6. All travel requests must be approved by a majority of the full voting membership of the Board at a Board meeting unless prior Board approval is not required in accordance with provisions of N.J.A.C. 6A:23A-7 and Board Policy 6471.

B. Reimbursement of Travel Expenses

All approved travel expenses shall be reimbursed by the Board of Education in accordance with the provisions of N.J.A.C. 6A:23A-7 and Board Policy 6471 implementing the following procedures:

1. The School Business Administrator/Board Secretary or designee shall review all requests for travel expenditure reimbursement submitted for expenses incurred in the course of school district business as to cost and support documentation required by N.J.A.C. 6A:23A-7.

2. The School Business Administrator/Board Secretary shall not approve or issue payment of travel expenditures or reimbursement requests until all required documentation and information has been submitted to support the payment and shall not approve any travel expenditure that when added to already approved travel expenditures would exceed the Board approved maximum travel expenditure amount for the budget year.

3. The School Business Administrator/Board Secretary shall be responsible for the adequacy of documentation of transactions processed by their staff and the retention of that documentation to permit audits of their records.

4. An employee of the Board, a Board member, or organization, shall not receive payment, either partial or full, for travel and travel-related expenses in advance of the travel pursuant to N.J.S.A. 18A:19-1 et seq. The payment of travel and travel-related expenses shall be made personally by a school district employee or Board member and reimbursed at the conclusion of the travel event. This applies to travel related purchases for which a purchase order is not applicable. This provision does not preclude the district from paying the vendor directly with the proper use of a purchase order (e.g., for registration, airline tickets, hotel).

5. All travel expense reimbursement payments to be made to a school staff member or a Board member will be made to the staff member or Board member in accordance with the district's policy regarding payment of claims.

Adopted: 27 August 2020

R 6620 PETTY CASH

Each petty cash fund established by Policy No. 6620 shall be administered in accordance with the following rules:

A. Authority

1. The custodian of the fund shall assume direct control of the fund or assign direct control to a responsible school employee under his/her direct supervision. (Hereinafter, "custodian" includes the custodian's designee.)

2. Each deposit and expenditure shall be promptly and accurately recorded.

B. Withdrawal

1. Each person who seeks petty cash funds shall prepare and sign a written request stating the amount requested and the purpose of the funds. The requestor will supply receipts or invoices as appropriate to support the request, and all such documents will be attached to the request.

2. The custodian will prepare a disbursement slip for each expenditure that records the date, amount of the expenditure, purpose of the expenditure briefly stated, and the name of the requestor.

3. The person who receives the funds will acknowledge receipt by signing the disbursement slip. The disbursement slip will be attached to the request for expenditure.

4. Any check drawn on a petty cash fund shall be in the exact amount of the request submitted for reimbursement.

5. No cash shall be released from the petty cash box to any person as a loan or in change for a personal check, but change may be made from the petty cash box on a direct exchange of funds in equal amounts.

6. No single petty cash expenditure may exceed the amount established by Policy No. 6620. No request for funds or supporting receipts will be divided so as to circumvent this rule.

7. At the end of each school day, the custodian will lock the petty cash box and place it in a secure and locked place, preferably fireproof and stationary.

8. The custodian will retain and file each request for funds, with the disbursement slip and supporting documents attached.

C. Reimbursement

1. When the fund is required to be replenished the custodian will complete and file with the Board Secretary a report on the amounts disbursed from the fund during that period.

2. The Board Secretary will prepare a voucher for Board approval in an amount equal to that which was disbursed. All requests for disbursement, supporting documentation, and disbursement slips will be submitted with the request for replenishment.

3. At the end of each school year, the custodian of the fund will return the petty cash box, with remaining petty cash, and the checkbook to the Board Secretary. The custodian will also complete a final report of the fund for audit.

R 6740 RESERVE ACCOUNTS

A. Capital Reserve Account

1. The Board of Education or a Board of School Estimate may, at any time establish by Board resolution a capital reserve account, pursuant to N.J.S.A. 18A:21-2 and 3, and 18A:7G-31.

2. Funds in the capital reserve account shall not be used for current expenses, pursuant to N.J.S.A. 18A:22-8.2, and shall only be used:

   a. To implement capital projects in the school district's Long-Range Facilities Plan (LRFP) as required pursuant to N.J.S.A. 18A:7G-4(a) and N.J.A.C. 6A:26-2; and

   b. To augment a capital project funded in whole or part by bond proceeds only when:

      (1) The original referendum question separately listed the amount and portion of local share (or portion of total costs of a project receiving debt service aid) to be funded by capital reserve pursuant to N.J.A.C. 6A:26-3.7 and 3.12; or

      (2) Voter or Board of School Estimate approval, as appropriate, was received to augment the original approved question by special appropriation in a Type I school district, by separate question at a special election or through the appropriate line-items and supporting documentation in the base budget at the annual school election pursuant to N.J.A.C. 6A:26-4.4(a)3iii.

3. The Board of Education may increase the balance in the capital reserve account by:

   a. Appropriating funds in the annual general fund budget certified for taxes to meet the needs of the LRFP that are not met by State support; or

   b. Requesting approval from the Executive County Superintendent, as the Commissioner's designee, to appropriate any excess unreserved general fund balance as calculated in the supporting documentation of the proposed budget into capital reserve in the proposed budget pursuant to N.J.S.A. 18A:7F-7b only when the Board of Education has:

(1) Formally established a capital reserve account; and

(2) Obtained an approved LRFP in accordance with N.J.A.C. 6A:26-2.

4. The Board of Education, at its option, may satisfy the withdrawal approval requirements set forth in 8. below when funds are deposited into the capital reserve account in the annual budget pursuant to 3.a. and 3.b. above using the designated line item, supporting documentation, and a statement of purpose in the advertised budget. The Board of Education shall include in its statement of purpose:

a. The amount of the deposit;

b. A description of the future capital project and purpose; and

c. A statement that "The amount represents expenditures for construction elements or projects that exceed the facilities efficiency standards determined by the Commissioner as necessary to achieve the Core Curriculum Content Standards."

5. The Board of Education may request express approval of the voters for appropriation of additional amounts into the capital reserve by a separate proposal at budget time, or by a special question at one of the four special elections authorized pursuant to N.J.S.A. 19:60-2. The Board of Education may request approval of a Board of School Estimate, if applicable, for appropriation of additional amounts into capital reserve by a separate proposal at budget time or by special resolution. The amount expressly approved by the voters or Board of School Estimate, as applicable, for deposit into a capital reserve may be from surplus or unrestricted local miscellaneous revenue only if such source is delineated in the question and/or special resolution.

6. The Board shall not deposit into a capital reserve account audited excess undesignated, unreserved general fund balance. The Board of Education shall reserve and designate such funds in the subsequent year’s budget pursuant to N.J.A.C. 6A:23A-8.5(b).

7. The Board of Education shall maintain an amount of funds in the capital reserve account that does not exceed the amount needed to implement the capital projects in a school district’s LRFP that are not met by State support.

a. If the amount in capital reserve exceeds the amount authorized in 7. above, the Board of Education shall withdraw the excess and reserve and designate it in the subsequent year's budget.

b. The Board of Education shall ensure that all excess amounts in the capital reserve account identified in the annual audit, required pursuant to N.J.S.A. 18A:23-1 and procedures developed by the Commissioner, are reserved and designated in the subsequent year's budget.

8. The Board of Education may withdraw funds from the capital reserve account at any time as follows:

a. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund pre-development or other pre-application costs associated with architects, lawyers, and construction managers for school facilities projects included in the approved LRFP;

(1) Pursuant to N.J.A.C. 6A:26-4.2(a), a Board that used capital reserve for such costs in a capital project funded in part or in whole by bond proceeds has the option to reimburse the general fund from the capital projects fund after approval of the referendum or resolution;

b. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund the local share less any excess costs of a school facilities project as determined in accordance with N.J.A.C. 6A:26-3;

c. By Board resolution for the transfer of funds to the line items in the capital outlay major account/fund to fund the total costs, less any excess costs, of another capital project, which would otherwise be eligible for State support, as determined in accordance with N.J.A.C. 6A:26-3;

d. By Board resolution for the transfer of funds to the capital projects fund pursuant to N.J.A.C. 6A:26-4, after receiving voter, Board of School Estimate, or Capital Project Review Board approval, as applicable, of the capital reserve use and specific amount in an approved referendum or resolutions pursuant to N.J.A.C. 6A:26-3.7;

e. By Board resolution after receiving voter, Board of School Estimate, or Capital Project Review Board approval, as applicable, except as authorized in N.J.A.C. 6A:26- 3.12(c), for the transfer of funds to the line items in the capital outlay major account/fund to fund excess costs of a school facilities project and to fund the total costs for other capital projects that would not otherwise be eligible for State support as determined in accordance with N.J.A.C. 6A:26, Educational Facilities:

(1) Voter, Board of School Estimate, or Capital Project Review Board approval, as appropriate, may be obtained through the original budget certified for taxes, in which the Board shall include a statement of purpose in the advertised budget, or through a Board of School Estimate's special appropriation process, if appropriate.

(2) The Board of Education or Board of School Estimate, as appropriate, shall include in the statement of purpose or special question for the capital project:

(a) The total costs;

(b) The final eligible costs;

(c) The amount requested for withdrawal for excess costs;

(d) A description/purpose of the capital project, or portion thereof, which the excess costs will fund; and

(e) A statement that "The amount represents expenditures for construction elements or projects that exceed the facilities efficiency standards determined by the Commissioner as necessary to achieve the Core Curriculum Content Standards."

(3) If requesting a withdrawal for multiple capital projects, the Board of Education or Board of School Estimate, as appropriate, shall include in the statement of purpose or special question the required information identified in 8.e.(1) and (2) above separately for each individual capital project.

(4) The Board of Education or Board of School Estimate, as appropriate, shall ensure that the amount(s) approved by the voters, Board of School Estimate, or Capital Project Review Board, as appropriate, are used exclusively for the purpose or purposes contained in the associated statement or question.

(5) For any approved amounts that remain unexpended or unencumbered at the end of the school year, the Board of Education or Board of School Estimate, as appropriate, shall:

(a) Return such funds to the capital reserve account;

(b) Anticipate such funds as part of the designated general fund balance of the subsequent school year budget; or

(c) Reserve and designate such funds in the second subsequent school year budget;

f. By Board resolution and after receiving Commissioner approval in accordance with N.J.A.C. 6A:26-3.13, and voter, Board of School Estimate, or Capital Project Review Board approval, as appropriate, pursuant to 3.b. above and N.J.A.C. 6A:23A-14.1, for the transfer of funds to the line items in the capital outlay major account/fund for the purchase of land; or

g. By Board resolution for the transfer of funds to the debt service account for the purpose of offsetting locally funded principal and interest payments for bonded projects that are included in the school district's LRFP.

9. Notwithstanding 8. above, the Board of Education or Board of School Estimate, as appropriate, may at any time, apply to the Commissioner for approval to withdraw funds from its capital reserve account for uses authorized in 2. above. The Board of Education or Board of School Estimate, as appropriate, may make a withdrawal pursuant to N.J.A.C. 6A:23A-14.1 only upon receipt of written approval of the Commissioner. To obtain the Commissioner's approval, the Board of Education shall establish to the satisfaction of the Commissioner that an emergent condition exists necessitating an immediate withdrawal of capital reserve account funds.

10. The Board of Education shall administer and account for the capital reserve account as follows:

    a. The Board shall establish and maintain the capital reserve account in accordance with Generally Accepted Accounting Principles (GAAP), and shall be subject to annual audit pursuant to N.J.S.A. 18A:23-1 et seq.;

    b. If the cost to complete an approved school facilities project not funded in whole or part by school bonds exceeds the local share less excess costs, those costs up to ten percent above the local share less excess costs may be withdrawn from capital reserve funds in accordance with 8.a. above;

    c. The Board shall transfer to the capital projects account, and account for separately with the corresponding grant, any funds withdrawn for the local share of a school facilities project that is not using school bonds or loan bonds for all or part of the local share that received a grant pursuant to N.J.S.A. 18A:7G-15. For any unexpended transferred capital reserve funds remaining after completion of such school facilities projects, the Board shall:

        (1) Return such funds to the capital reserve account;

        (2) Anticipate such funds as part of the designated general fund balance of the subsequent school year's budget; or

        (3) Reserve and designate any unexpended transferred capital reserve funds in the second subsequent year's budget for tax relief.

    d. Pursuant to N.J.S.A. 18A:21-3, the Board of Education shall increase the capital reserve account by the earnings attributable to the investment of the account's assets, and;

        (1) Anticipate as miscellaneous income any investment income included in the original annual general fund budget certified for taxes; and

        (2) Include any investment earnings in the maximum amount of capital reserve permitted in 7. above.

e. The Board of Education shall establish a separate account in the general fund for bookkeeping purposes only in order to account for increases to and withdrawals from the capital reserve account and its balance. The Board of Education shall record a capital reserve account on the annual audit's general fund balance sheet as follows:

(1) Debit: Capital Reserve Account; and

(2) Credit: Reserved Fund Balance - Capital Reserve Account.

11. Funds in capital reserve accounts in existence prior to July 18, 2000 are subject to the Educational Facilities Construction and Financing Act (EFCFA), P.L. 2000, c. 72, and N.J.A.C. 6A:23A-14, and the Board of Education shall only use such funds for the original purpose for which the funds were deposited.

a. If the original purpose is outside the scope of the Board's approved LRFP, the Board of Education shall account for such funds separately in the capital reserve fund and appropriate the funds as revenue for such purposes in the annual budget certified for taxes. The Board of Education shall restore to the capital reserve account for use pursuant to N.J.A.C. 6A:23A-14 any unexpended capital outlay appropriations up to the amount of such capital reserve funds appropriated. Expenditures shall be charged first to unrestricted capital outlay fund sources with capital reserve account appropriations expended last. The Board of Education shall not deposit any additional funds into the capital reserve account pursuant to 3. through 6. above for such pre-July 18, 2000 purposes.

b. If the original purpose is within the scope of the school district's approved LRFP, the Board of Education shall make withdrawals pursuant to 8. above, except that if voter, Board of School Estimate or Capital Project Review Board, as appropriate, approval of excess costs or another capital project was obtained when the funds were deposited into the capital reserve account, the Board, by such approval, shall be deemed to have satisfied the requirement for approval of excess costs or other capital projects in 8.b. above.

B. Maintenance Reserve Account

1. The Board of Education shall establish, by resolution, a maintenance reserve account to be used to implement required maintenance of the school district's facilities. The Board of Education is prohibited from using such funds for routine or capital maintenance.

2. The Board of Education shall establish and maintain the maintenance reserve account in accordance with GAAP, and such account shall be subject to annual audit pursuant to N.J.S.A. 18A:23-1 et seq.

3. The Board of Education or Board of School Estimate, as appropriate, may increase the balance in the maintenance reserve account by appropriating funds in the annual general fund budget certified for taxes.

4. The Board of Education or Board of School Estimate, as appropriate, may by resolution withdraw such funds from the maintenance reserve account and appropriate into the required maintenance account lines at budget time or any time during the year for use on required maintenance activities for a school facility as reported in the comprehensive maintenance plan pursuant to N.J.A.C. 6A:26A-4.

   a. Funds withdrawn from the maintenance reserve account are restricted to required maintenance appropriations. The Board of Education or Board of School Estimate, as appropriate, shall not transfer such funds to any other line-item account.

5. In any year that maintenance reserve account funds are withdrawn, the Board of Education shall restore any unexpended required maintenance appropriations, up to the amount of maintenance reserve account funds withdrawn, to the maintenance reserve account at year-end.

6. The Board of Education shall, by resolution, transfer to the general fund on an annual basis any interest earned on the investments in the maintenance reserve account. Such interest may be transferred on a more frequent basis at the discretion of the Board of Education.

7. The Board of Education shall ensure that the maintenance reserve account balance does not, at any time, exceed four percent of the replacement cost of the school district's school facilities for the current year. If the account exceeds this maximum amount at June 30, the Board of Education shall reserve and designate such excess in the subsequent year's budget.

C. Supplementation of Capital Reserve and Maintenance Reserve Accounts

1. The Board of Education or Board of School Estimate, as appropriate, may supplement a capital reserve account through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end for withdrawal in subsequent school years. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.

2. The Board of Education or Board of School Estimate, as appropriate, may supplement a maintenance reserve account through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end, for withdrawal in subsequent school years. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.

D. Establishment of Other Reserve Accounts

1. The Board of Education or a Board of School Estimate, as appropriate, may through the adoption of a Board resolution establish the following reserve accounts:

a. Current Expense Emergency Reserve Account.

(1) The funds in the reserve shall be used to finance unanticipated general fund current expense costs required for T&E. For the purpose of the emergency reserve account "unanticipated" shall mean reasonably unforeseeable and shall not include additional costs caused by poor planning or error.

(2) The account shall not exceed $250,000 or one percent of the school district's general fund budget as certified for taxes up to a maximum of $1,000,000, whichever is greater.

(3) The Board of Education may appropriate funds to establish or supplement the reserve in the school district's annual budget or through a transfer by Board resolution of any unanticipated revenue and/or unexpended line-item appropriation amounts anticipated at year end. Any such transfer resolution shall be adopted by the Board no earlier than June 1 and no later than June 30 of the respective school year.

(4) Withdrawals from the reserve shall require the approval of the Commissioner unless the withdrawal is necessary to meet an increase in total health care costs in excess of four percent, for which the district did not receive an automatic adjustment for health care costs pursuant to N.J.A.C. 6A:23A-11.4. Total health care costs include medical insurance and prescription drug insurance costs.

b. Debt service reserve account in the debt service fund for proceeds from the sale of school district property. For the purposes of the debt service reserve account "property" shall mean land, buildings, and other property that was incidental to the sale of land or a building. The funds in the reserve shall be used by the district first to reduce the outstanding principal amount at the earliest call date or to annually reduce the debt service principal payments. The funds may be used for any outstanding debt obligation or debt obligations of the school district. The reserve shall be liquidated within the lesser of five years from its inception or the remaining term on the obligations. Any remaining balance shall be used for tax relief.

c. Tuition adjustment reserve account in the general fund for up to ten percent of the estimated tuition cost in the contract year for an anticipated tuition adjustment in the third year following the contract year. In such case, the Board of Education shall:

(1) Establish the tuition adjustment reserve account at June 30 by Board resolution;

(2) Make full appropriation of the reserve for the tuition adjustment in the third year following the contract year;

(3) Exclude from the cap calculation the budgeted fund balance and appropriation of the tuition adjustment reserve in the third year following the contract year for such tuition adjustments; and

(4) Transfer to the general fund, by Board resolution, any interest earned on the investments in a tuition adjustment reserve account on an annual basis. Such transfer may be made on a more frequent basis at the discretion of the Board of Education.

E. Reserve Accounts Recorded in Accordance with GAAP

1. All reserve accounts shall be recorded in accordance with GAAP and subject to annual audit. Any capital gains or interest earned shall become part of the reserve account. A separate bank account is not required; however, a separate identity for each reserve account shall be maintained.

Issued: 27 August 2020

R 6810 FINANCIAL OBJECTIVES

The Board of Education recognizes its responsibility to the taxpayers of the district to be sure that public moneys expended by the school district are utilized for the furtherance of student education in a manner that will ensure full value to the taxpayers, and that adequate constraints and records are established to ensure that end.

The Board by law holds the authority to fix the budget, approve bids and pass upon each expenditure of the district.

To meet the goals of this policy, the Board requires the School Business Administrator/Board Secretary to:

1. Establish sound accounting procedures.

2. Institute effective business practices.

3. Recommend suitable office technology and equipment where necessary.

4. Review the financial operations annually and report to the Board on effectiveness and recommended improvements.

N.J.S.A. 18A:18A-1 et seq.; 19-1 et seq.; 22-1 et seq.

Issued: 27 August 2020

R 7000 PROPERTY

Number	Title
R 7100	Long-Range Facilities Planning (M)
R 7101	Educational Adequacy of Capital Projects
R 7102	Site Selection and Acquisition
R 7230	Gifts, Grants, and Donations
R 7300.2	Disposition of Land
R 7300.3	Disposition of Personal Property
R 7300.4	Disposition of Federal Property
R 7410	Maintenance and Repair (M)
R 7420	Handling and Disposal of Body Wastes and Fluids (M)
R 7420.1	Bloodborne Pathogen Exposure Control Plan (M)
R 7420.2	Chemical Hygiene (M)
R 7421	Indoor Air Quality Standards
R 7422	School Integrated Pest Management Plan (M)
R 7424	Bed Bugs
R 7430	School Safety (M)
R 7432	Eye Protection Practices (M)
R 7440	School District Security (M)
R 7441	Electronic Surveillance In School Buildings and On School Grounds (M)
R 7510	Use of School Facilities
R 7610	Vandalism
R 7650	School Vehicle Assignment, Use, Tracking, Maintenance, and Accounting (M)

R 7100 LONG-RANGE FACILITIES PLANNING

A. Responsibilities of the School District - N.J.A.C. 6A:26-2.1

1. The school district shall amend its Long Range Facilities Plan (LRFP) at least once every five years following the approval of the 2005 LRFP on software made available by the New Jersey Department of Education (NJDOE) and in accordance with the instructions for completing the software.

2. The LRFP shall detail the school district's school facilities, other facilities, temporary facilities, and the school district's plan for meeting school facilities needs during the ensuing five years.

B. Completion of Long Range Facilities Plans - N.J.A.C. 6A:26-2.2

1. Each LRFP shall include:

a. Enrollment projections for the school district for the five years covered by the plan in accordance with the requirements of N.J.A.C. 6A:26-2.2(a)1;

b. The functional capacity of every school facility in the school district in accordance with N.J.A.C. 6A:26-2.2(a)2;

c. An inventory of every school facility, other facility, and temporary facility in the school district in accordance with N.J.A.C. 6A:26-2.2(a)3;

d. An inventory of all school district-owned land in accordance with N.J.A.C. 6A:26-2.2(a)4;

e. A listing of the approximate size and nature of any new sites that may be needed for school facilities projects set forth in the LRFP in accordance with N.J.A.C. 6A:26-2.2(a)5;

f. An inventory of all building systems within each facility in accordance with N.J.A.C. 6A:26-2.2(a)6;

g. A determination of the life expectancy of all building systems;

h. A determination of any building system deficiencies in each school facility and the required remediation;

i. The school district's proposed school facilities projects, other capital projects, and preliminary scopes of work in accordance with N.J.A.C. 6A:26-2.2(a)9 and N.J.S.A. 18A:7G-5(m);

j. The school district's proposed programmatic models for school facility types and capacities the school district intends to operate in the ensuing five years;

k. A comparison of the school district's proposed programmatic models with the facilities efficiency standards and identification of all types of spaces, sizes of spaces, and number of spaces inconsistent with those standards in accordance with N.J.A.C. 6A:26-2.2(a)11;

1. A comparison of the school district's programmatic models with the existing inventory and how the school district proposes to convert the existing inventory to programmatic models;

m. The school district's proposed plans for new construction and renovation of other facilities in the five years ensuing in accordance with N.J.A.C. 6A:26-2.2(a)13;

n. For each school facility set forth in the LRFP for which the school district is seeking approval of additional space or waiver of a facility efficiency standard to be approved as part of the LRFP, the school district shall submit documentation supporting the request in accordance with N.J.A.C. 6A:26-2.3(c);

o. For each school facility to be replaced, a preliminary comparison of the cost of replacement of the school facility verses the cost to rehabilitate the school facility;

p. Preliminary data to support each proposed new school facility or addition, renovation to an existing school facility, and the removal from the school district's inventory of school facilities for each school facility to be sold, converted to non-school facility use, or razed;

q. A preliminary estimate of the cost of every school facilities project set forth in the LRFP; and

r. The Board resolution approving submission of the LRFP.

2. Each LRFP shall include a determination by the school district of the number of unhoused students for the ensuing five-year period calculated in accordance with N.J.A.C. 6A:26-2.2(b)1.

3. Approved area for unhoused students shall be determined according to the formula as outlined in N.J.A.C. 6A:26-2.2(c).

4. Superintendents in Early Childhood Program Aid (ECPA) districts are strongly encouraged to meet and collaborate with community childhood education providers to meet the needs of unhoused students in the LRFP in accordance with N.J.A.C. 6A:26-2.2(d).

5. The school district shall incorporate the facilities efficiency standards in the LRFP and seek any necessary waiver or special Commissioner approval in accordance with N.J.A.C. 6A:26-2.2(e)1 and 2.

C. LRFP Submission Procedure - N.J.A.C. 6A:26-2.1

1. Except as provided in N.J.A.C. 6A:26-3.14, no school facilities project shall be considered or approved unless the school district's LRFP has been submitted to the NJDOE and approved by the Commissioner.

2. The school district shall submit its LRFP to the planning board(s) of the municipality(ies) in which the school district is situated, no later than the date the school district submits the LRFP to the Commissioner. No LRFP shall be considered complete until comments have been received from the planning board(s) or until forty-five days have passed from the planning boards' receipt of the LRFP in accordance with N.J.A.C. 6A:26-2.1(c).

3. In accordance with the provisions of N.J.A.C. 6A:26-2.1(d), a school district sending students to another school district pursuant to N.J.S.A. 18A:38-8 et seq. shall expeditiously provide all information necessary for the receiving school district to complete its LRFP, including but not limited to, demographic information necessary to prepare enrollment projections. Both sending and receiving school districts must submit a LRFP. If a send-receive relationship is terminated pursuant to N.J.S.A. 18A:38-21, both the sending and receiving school districts shall promptly submit an amended LRFP.

4. An amended LRFP must be submitted to the NJDOE, in accordance with the provisions of N.J.A.C. 6A:26-2.1(e), if one or more school districts withdraw from a regional school district or a regional school district dissolves.

5. At any time, a school district may submit an amendment to an approved LRFP for review and approval by the Commissioner.

6. A school district's approved LRFP shall remain in effect until an amended LRFP is approved.

D. Review and Approval of Long-Range Facilities Plan - N.J.A.C. 6A:26-2.3

1. Within ninety days of receipt of a LRFP from a school district that has not previously submitted a LRFP, the Division of Administration and Finance (Division) shall determine where the plan is fully and accurately complete and whether all information necessary to review the plan has been filed by the school district.

   a. When a LRFP is determined to be complete, the Division shall notify the school district in writing that the plan is deemed complete.

   b. When a LRFP is determined to be incomplete, the Division shall notify the school district in writing and require the submission of additional information as detailed in the notification. Only after the Division determines all requested information has been submitted and the information is accurate shall it determine a plan to be complete.

2. Within sixty days of the date of notification that the plan is complete, the Commissioner shall notify the school district of the final determination of the LRFP. A final determination shall set forth information as outlined in N.J.A.C. 6A:26-2.3(b).

3. A school district shall amend its approved LRFP whenever it seeks to undertake a capital project that is inconsistent with the approved LRFP in effect. The amendment request shall be accompanied by a Board of Education resolution approving the submission of the LRFP amendment and shall be in accordance with the requirements of N.J.A.C. 6A:26-2.3(c)1 through 4.

4. The Commissioner may extend the deadline for reviewing each LRFP if at any time the number of LRFPs pending before the Commissioner for review exceeds twenty percent of the total number of operating school districts in the State pursuant to N.J.A.C. 6A:26-2.3(d).

5. A school district that has an approved LRFP may begin undertaking feasibility studies for new construction identified in accordance with N.J.A.C. 6A:26-2.3(b)6. For school districts required to use the New Jersey Schools Development Authority (Development Authority), the activities also shall be undertaken under the auspices of the Development Authority and in accordance with N.J.S.A. 18A:7G-5 and N.J.A.C. 6A:26-2 et seq.

Issued: 27 August 2020

R 7101 EDUCATIONAL ADEQUACY OF CAPITAL PROJECTS

Capital projects that affect any of the following criteria for educational adequacy shall be reviewed and approved by the Division of Administration and Finance (Division). The criteria are the number, configuration, size, location, or use of educational spaces within a school facility. The review for educational adequacy shall take into consideration the suitability of the number, configuration, size, location, and use of educational spaces; built-in furniture and equipment; and provisions for the disabled.

A. Projects Requiring Approval for Educational Adequacy – N.J.A.C. 6A:26-5.1

1. Capital projects that involve the following types of building construction work shall be approved for educational adequacy:

   a. New school facilities including pre-fabricated facilities;

   b. Additions to existing school facilities;

   c. Alterations to the total number, dimension in volume and/or area, configuration or location of educational spaces or the number of any one kind of educational space; and

   d. Installation of temporary facilities.

B. New Jersey Schools Development Authority (Development Authority), Regular Operating District (ROD), and Other Capital Projects – N.J.A.C. 6A:26-5.1(b)

1. Both Development Authority and ROD school facilities projects, along with other capital projects, shall be subject to educational adequacy reviews. The review process and types of documents subject to review will differ depending on whether the project is a school facilities project or other capital project, and if a school facilities project, on whether it is a Development Authority project or a ROD project.

   a. For a Development Authority school facilities project, the Development Authority on behalf of the school district shall apply for the review and approval for educational adequacy in conjunction with the application for approval of a school facilities project pursuant to N.J.A.C. 6A:26-3.

The application shall be made prior to the review and approval of capital projects for compliance with the Uniform Construction Code (UCC), N.J.A.C. 5:23, by the Division of Codes and Standards in the Department of Community Affairs, and prior to local share authorization. The educational adequacy review shall cover the following types of project documents: educational specifications; schematic plans and related documents; detailed plans and specifications; and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the Development Authority on behalf of the school district at the time of project application. Detailed and final plans and specifications shall be forwarded to the Division by the Development Authority after project approval, but prior to the Division determination of final eligible costs and Department of Community Affairs review for UCC compliance.

b. For a ROD school facilities project, school districts shall apply for the review and approval for education adequacy in conjunction with the application for approval of a school facilities project. The educational adequacy review shall cover the following types of documents: educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the school district at the time of project application. Final plans and specifications shall be submitted by the school district after project approval, but prior to the UCC-compliance review.

c. For any other capital project, school districts shall apply for the review and approval for educational adequacy in conjunction with the application for the Division review for consistency with the school district's approved LRFP. The educational adequacy review shall cover educational specifications, schematic plans and related documents, and final plans and specifications. The educational specifications, schematic plans, and related documents shall be submitted by the school district at the time the project is reviewed for consistency with the school district's approved LRFP. Final plans and specifications shall be submitted by the school district after the consistency review, but prior to the UCC-compliance review.

C. Change of Use of Instructional Space, Non-Capital Project – N.J.A.C. 6A:26-5.1(c)

1. The Executive County Superintendent shall approve any change of use of instructional space that is not a capital project.

D. Educational Specifications – N.J.A.C. 6A:26-5.2

1. Submissions of educational specifications for educational adequacy reviews shall include the following:

a. Details of the educational program activities and requirements for each space proposed in the capital project, and shall refer to the New Jersey Student Learning Standards wherever appropriate;

b. An itemized list of furniture, equipment, and support spaces required to conduct the educational program specified for each space, together with their net areas in square feet, as well as the net of the total room area required for each space;

c. Specific technical and environmental criteria, adjacencies, and other requirements for the educational program; and

d. A building-space program that indicates the number and net area in square feet of each instructional, specialized instructional, administrative, and support space in each existing or proposed building included in the capital project and/or the temporary facility.

E. Schematic Plans and Other Related Project Documents – N.J.A.C. 6A:26-5.3

1. Submissions of schematic plans for educational adequacy reviews shall include the following:

a. Four sets of schematic plans showing the entire existing and proposed building drawn to a scale of not less than 1/16 inch per foot. The approved use of each space, the proposed number of occupants, and the net square feet area shall be clearly labeled on all existing and proposed spaces;

b. Layouts of the built-in and moveable furniture and equipment for examples of all occupied spaces drawn to a scale of not less than 1/8 inch per foot;

c. Information required to demonstrate compliance with the Facility Planning Standards of N.J.A.C. 6A:26-6 including dimensions, clearances, ceiling heights, and required equipment;

d. Paths of travel for disabled persons;

e. A completed plot plan when work site is required, including the intended location of the school and a layout of the locations of all other structures, multi-purpose physical education fields, playgrounds, walkways, roadways, access roads, buffer and set back zones, parking areas, deed restrictions, easements, protective covenants, right of ways, and environmentally sensitive areas. If the land for the site is being acquired, an application also shall be submitted for approval under N.J.A.C. 6A:26-7.1; and

f. The signature and seal of a New Jersey licensed architect or professional engineer, if there is an architect or engineer engaged for the project, and signatures of the President of the Board of Education and the Superintendent. In the case of Development Authority school facilities projects, schematic plans shall also be signed by the Development Authority, pursuant to N.J.S.A. 59:4-6.

2. Other project documents to be submitted with the schematic plans shall include:

a. A project cost estimate on a form provided by the Commissioner;

b. A project schedule;

c. A copy of the dated transmittal letter to the Executive County Superintendent indicating project document submission to the Division; and

d. A copy of the transmittal letter indicating the date of plan submission to the local planning board, where required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16, including, but not limited to, whenever the project consists of a new building, the conversion of an existing building to school use, or the building footprint, volume, pedestrian, or vehicular access are altered by the project.

F. Detailed Plans and Specifications and Final Plans and Specifications – N.J.A.C. 6A:26-5.4

1. In the case of a Development Authority school facilities project, the Development Authority on behalf of the school district shall apply upon completion of detailed plans and specifications for final approval of the project's educational adequacy. Detailed plans and specifications shall be considered adequate for calculations of final eligible costs if the plans and specifications are at least sixty percent complete. Final approval of the educational adequacy of the project shall occur prior to the calculation of the final eligible costs of the school facilities project pursuant to N.J.A.C. 6A:26-3.5. The application for final approval shall include:

   a. Four individually packaged sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey licensed architect or professional engineer and signed by the President of the Board of Education, Superintendent, and the Development Authority, and specifications to sufficiently demonstrate the school facilities project conforms to schematic plans approved by the Division. To demonstrate such conformance, the submission shall include architectural floor plans, an architectural site plan, as applicable, and architectural drawings that will allow verification of ceiling heights and other applicable standards in N.J.A.C. 6A:26-6.3. If the Division determines the documents are not sufficient to demonstrate conformity with the schematic plans, it may request additional drawings and/or technical specifications;

   b. The fee calculated according to the fee schedule pursuant to N.J.A.C. 6A:26-5.5; and

   c. In the event there is a change affecting the number, configuration, size, location, or use of educational spaces as set forth in the detailed plans and specifications submitted to the New Jersey Department of Education, the Development Authority shall submit to the Division the application with two sets of final plans and specifications, as set forth in subparagraph 2.a. below. No additional fee will be imposed.

2. In the case of a ROD school facilities project or another capital project, the school district shall apply upon the completion of final plans and specifications for final approval of the educational adequacy of the project. The application shall include:

a. Four individually packaged sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey licensed architect or professional engineer and signed by the President of the Board of Education and Superintendent, and specifications to sufficiently demonstrate the capital project conforms to schematic plans approved by the Division as described in F.1.a. above;

b. A properly executed copy of a "Request for Local Release of School Construction Plans" for a district that chooses to have a municipal code enforcing agency review its plans for UCC conformance. The review shall include the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate. The Superintendent and municipal code enforcing agency chief shall sign the form, which may be obtained from the Division; and

c. A check, payable to the "Treasurer, State of New Jersey," for the fee calculated according to the fee schedule pursuant to N.J.A.C. 6A:26-5.5.

3. In the case of a temporary facility, the school district or the Development Authority on behalf of the school district for Development Authority school facilities projects, shall apply to the Division upon the completion of detailed plans and educational specifications for approval of the temporary facility's adequacy. Detailed plans and educational specifications shall be considered adequate for calculations of eligible costs if the plans and educational specifications are at least sixty percent complete unless otherwise provided in N.J.A.C. 6A:26-5.4. The application shall include items in accordance with N.J.A.C. 6A:26-5.4(c) as outlined below:

a. Four sets of detailed plans, drawn to a scale of not less than 1/8 inch per foot, signed and sealed by a New Jersey registered architect or licensed engineer and signed by the President of the Board of Education and Superintendent, as well as the Development Authority in the case of a temporary facility that is part of a Development Authority school facilities project, and educational specifications to sufficiently demonstrate the educational adequacy of the temporary facility and compliance with the temporary facility standards at N.J.A.C. 6A:26-8;

b. A completed plot plan whenever site work is required for the temporary facility. On it shall be shown the intended location of the temporary facility and a layout of all other structures, play and recreation areas, athletic fields, walkways, roadways, access roads, buffer and set-back zones, and parking areas. It also clearly shall indicate the impact that placement of the temporary facility will have on the site of the permanent school facility;

c. A copy of the dated transmittal letter to the Executive County Superintendent indicating plan submission to the Division;

d. A copy of the transmittal letter indicating the date of plan submission to the local planning board, whenever required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16;

e. A temporary facility schedule addressing the relationship to the school facilities project schedule, in the event that the temporary facility is part of a school facilities project;

f. The fee calculated according to the fee schedule pursuant to N.J.A.C. 6A:26-5.5. If the temporary facility is not part of a Development Authority school facilities project, payment shall be in the form of a check, payable to the "Treasurer, State of New Jersey";

(1) If the fee for the temporary facility is submitted to the Division prior to the submission of the fee for the final educational adequacy review for the school facilities project, the amount paid for the temporary facility will be credited toward the fee for the school facilities project;

g. If the temporary facility is not part of a Development Authority school facilities project, a properly executed copy of a Request for Local Release of School Construction Plans for a school district that chooses to have a municipal code enforcing agency review its plans for conformance with the UCC. Such review shall require the documentation required by the UCC, N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate. The Superintendent and municipal code enforcing agency chief shall sign the form, which may be obtained from the Division; and

h. If the temporary facility was previously used for school purposes and a certificate of occupancy for Group E, as designated by the Commissioner of the Department of Community Affairs, is in effect and no change of use is required, a floor plan with proposed occupancy in lieu of signed and sealed plans shall be submitted to the Division to meet the requirements of N.J.A.C. 6A:26-5.4.

G. Fee Schedule – N.J.A.C. 6A:26-5.5

The Division will collect fees for reviews of detailed/final plans and specifications for educational adequacy in the case of Development Authority school facilities projects and for its reviews of final plans and specifications for educational adequacy in ROD school facilities projects and other capital projects in accordance with the fee schedule outlined in N.J.A.C. 6A:26-5.5.

H. Capital Projects Not Subject to Educational Adequacy Review – N.J.A.C. 6A:26-5.6

1. For a Development Authority school facilities project not subject to educational adequacy review, the Division shall issue a preliminary project report and shall forward to the Department of Community Affairs for review the report along with drawings or narrative sufficient to delineate the scope of work, so the Department of Community Affairs may review construction documents for UCC conformance. The review shall require the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for application for a construction permit or for plan review, as appropriate.

2. For a ROD school facilities project or other capital project not subject to educational adequacy review, the Division shall make a determination of the project's final eligible costs and shall forward to the Department of Community Affairs for review the determination along with drawings or narrative sufficient to delineate the scope of work, so the Department of Community Affairs may review construction documents for UCC conformance. The review shall include the documentation required by the UCC in accordance with N.J.A.C. 5:23-2.15, for the requirements for a construction-permit or plan-review application, as appropriate. If the school district has submitted to the Division a properly executed copy of a "Request for Local Release of School Construction Plans," pursuant to N.J.A.C. 6A:26-5.4(b)2, the Division shall forward the release form to the Department of Community Affairs for its action.

Issued: 27 August 2020

R 7102 SITE SELECTION AND ACQUISITION

The school district may need to select and acquire new sites for school district facilities. Site acquisition for school purposes and every acquisition of land will be made pursuant to N.J.A.C. 6A:26-3.12 and N.J.A.C. 6A:26-7.1 through 7.3.

A. Acquisition of Land by School Districts - N.J.A.C. 6A:26-3.12

Every acquisition of land, whether by purchase, condemnation, or by gift or grant, to be used as a school site shall comply with N.J.A.C. 6A:26-7 and receive approval.

B. Approval of the Acquisition of Land - N.J.A.C. 6A:26-7.1

1. Voter Approval - N.J.A.C. 6A:26-7.1(a)

The school district may obtain voter approval for funding of land acquisition prior to the Division of Administration and Finance (Division) approval of the land acquisition. The school district shall not take any action to acquire the land prior to obtaining Division approval.

2. Submission to the Division of Administration and Finance - N.J.A.C. 6A:26-7.1(b)

The school district, or the New Jersey Schools Development Authority (Development Authority) on behalf of the district, shall submit to the Division the following information to obtain approval under B.1. above for land in connection with a school facilities project. The following requirements do not address requirements of other State agencies having approval or permitting jurisdiction over land acquisition:

a. The following information shall be provided by the school district:

(1) A written request that shall include a statement, signed by the Board President and the Superintendent, indicating the immediate and ultimate proposed uses of the site, in terms of building use, grade organization, and potential maximum enrollment, and whether the land is, or will be, part of a school facilities project indicated in the district's LRFP;

(2) A map of the school district showing the location of the land, the location of existing schools in the school district, the attendance area to be served by the school, and the number of students who reside within the attendance area;

(3) Data regarding the impact of the acquisition upon racial balance within the school district's public schools;

(4) A full, detailed appraisal of the market value of the property prepared by a licensed professional;

(5) A title report on the property produced by any reputable title insurer licensed in the State of New Jersey evidencing that title is good and marketable;

(6) A feasibility study evidencing that school district-owned land within the attendance area to be served by the school is not available, suitable, or sufficient to be used for school purposes, but only if the school district is required to use the Development Authority and seeking approval for a new acquisition of land and not merely a new use for already school district-owned land; and

(7) For a school district required to use the Development Authority and seeking approval for the acquisition of land, evidence that the school district has not indemnified the seller of the land for the costs arising from the environmental remediation required for the property to be used for school purposes; acquired the land in its "as is" condition; or acquired the land under terms and conditions that would invalidate the statutory immunity of the school district from liability for the remediation costs associated with pre-existing contamination, whether discovered pre-closing or post-acquisition, under the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 et seq.

b. The following information shall generally be provided by a licensed architect, professional engineer, or professional planner in accordance with N.J.A.C. 6A:26-7.1(b)(2):

(1) A statement from the licensed architect, professional engineer, or professional planner indicating whether the land is subject to regulation under the Coastal Wetlands Act - N.J.S.A. 13:9A-1 et seq.; the Freshwater Wetlands Act - N.J.S.A. 13:9B-1 et seq.; the Pinelands Protection Act - N.J.S.A. 13:18A-1 et seq.; the Waterfront Development Act - N.J.S.A. 12:5-3; the Green Acres Acts - N.J.S.A. 13:8A-1 et seq., N.J.S.A. 13:8A-19 et seq., N.J.S.A. 13:8A-35 et seq., and N.J.S.A. 13:8C-1 et seq.; or other statutes, regulations or executive orders administered by agencies of State or Federal government;

(a) If so subject, the statement shall address the steps necessary to obtain approval from the agencies, and include adequate documentation to demonstrate to the Division the approvals will be obtained and not affect the educational adequacy of the site, as set forth in B.4. and B.5. below.

(2) A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating whether the proposed use of the land to be acquired is consistent with the goals and strategies of the New Jersey State Development and Redevelopment Plan (State Plan). If inconsistent with such goals and strategies, the statement shall include adequate documentation to demonstrate to the Division there are no alternative suitable sites available in the school district that are consistent with the State Plan's goals and strategies;

(3) A statement from a New Jersey licensed architect, professional engineer, or professional planner indicating the land to be acquired is suitable for the proposed use;

(4) A completed, signed, and sealed plot plan of the land to be acquired showing topographical and contour lines; adjacent properties indicating current land uses; access roads; deed restrictions; easements; protective covenants; right of ways; and environmentally sensitive areas such as waterways and wetlands. The acreage and dimensions of the tract proposed for acquisition shall be included as per the application of the standards for minimum acceptable school site sizes in B.4. below;

(5) If existing buildings or structures are located on the land to be acquired, the intended use, and/or disposition of these buildings. Any building to be acquired and used shall comply with the requirements of the Uniform Construction Code (UCC) for educational occupancy and N.J.A.C. 6A:26-5 that apply to the construction of a new building;

(6) Adequate documentation to demonstrate to the Division that soil conditions for structural integrity and drainage have been examined by the New Jersey licensed architect or professional engineer; and

(7) Adequate documentation to demonstrate to the Division that soil and groundwater conditions have been examined by a New Jersey licensed architect or professional engineer for suitability for septic systems, if applicable.

c. The following shall be submitted by the school district in accordance with N.J.A.C. 6A:26-7.1(b)3:

(1) A statement from a local or regional water purveyor or alternatively, a statement from a geologist or professional engineer if the source of water is groundwater, certifying that:

(a) The land can be adequately provided with the necessary water for the proposed maximum enrollment, and if the source of water is groundwater, that there will be sufficient groundwater available for the proposed maximum enrollment; and

(b) Potable water infrastructure is, or is not, in place to service the site.

(2) A statement from a local or county sewerage agency certifying that:

(a) The land can be adequately provided with the necessary and acceptable sewage disposal system for the proposed maximum enrollment, as evidenced, for example, by consistency with the locally approved wastewater management plan; and

(b) Sewer infrastructure is, or is not, in place to service the site. If such infrastructure is not in place, adequate documentation from a professional engineer or licensed geologist to demonstrate that soil and groundwater conditions are suitable for a septic system or discharge to groundwater.

(3) Recommendations from the New Jersey Department of Environmental Protection (NJDEP) that there are no substantial reasons why the land acquisition should not proceed within forty-five days of its receipt of an environmental site report submitted by the school district or the Development Authority on behalf of the school district addressing the items below, or evidence that forty-five days have passed since the NJDEP's receipt of the environmental site report, whichever is earlier:

(a) A sewer service consistency determination;

(b) Potable water supply;

(c) Coastal and freshwater wetlands;

(d) Green Acres land;

(e) Stream encroachment;

(f) Historical or archeological resources;

(g) Endangered plant species;

(h) Threatened or endangered animal species; and

(i) An environmental site assessment to determine whether there is potential contamination on the land, submitted on a form provided by the New Jersey Department of Education (NJDOE).

d. The following shall be submitted by the school district in accordance with N.J.A.C. 6A:26-7.1(b)4:

(1) Recommendations of the planning board or the municipality in which the land is situated, and that has an approved master plan as required by N.J.S.A. 40:55D-31 and N.J.S.A. 18A:18A-16, or evidence that the applicable forty-five days or fifty-five days have passed, whichever is earlier, from the planning board's receipt of the land acquisition application. The recommendations shall be sent to the Division of Administration and Finance, Office of School Facilities, PO Box 500, Trenton, NJ 08625-0500, and forwarded promptly to the Division at the above address if received by the school district or its architect;

(2) The recommendation of the Executive County Superintendent based on the requirements specified in N.J.A.C. 6A:26-7; and

(3) Prior approvals of other agencies, such as the New Jersey Department of Agriculture, NJDEP, and the Pinelands Commission, where such approval is reasonably obtainable prior to acquisition.

3. Land Acquisition for Non-School Facility Project - N.J.A.C. 6A:26-7.1(c)

a. A school district that intends to acquire land not in connection with a school facilities project shall submit all of the information required under N.J.A.C. 6A:26-7.1(b) except N.J.A.C. 6A:26-7.1(b)1.ii and N.J.A.C. 6A:26-7.1(b)1.iii, and shall further be excepted from the requirements of N.J.A.C. 6A:26-7.1(d) and N.J.A.C. 6A:26-7.1(e). If the school district later intends to change the use of the land and use as a school site, the school district shall be required to submit all of the information required under N.J.A.C. 6A:26-7.1 and the aforementioned exceptions shall no longer apply.

4. School Site Size - N.J.A.C. 6A:26-7.1(d)

School site sizes shall be directly related to the acreage required for the structures and activities to be situated thereon. Except where specifically noted for multiple or shared use, the acreage shall be considered for single use.

5. School Site Size Requirements - N.J.A.C. 6A:26-7.1(e)

All school sites require sufficient acreage for the following:

a. The placement of the school facility;

b. Expansion of the building to its maximum potential enrollment;

c. The placement of all other structures such as greenhouses, storage buildings, school bus maintenance buildings or garages, and any other above or below ground structure, which is to be placed thereon;

d. Multi-purpose physical education and, for preschool through grade five school facilities, a playground required to support the achievement of the New Jersey Student Learning Standards as defined by the number of physical education teaching stations applicable to the school facility pursuant to the facilities efficiency standards and the approved programmatic model;

e. Disabled-accessible pedestrian walkways, roadways, and parking areas on which people and vehicles access the building;

f. Public and service access roads onto the site including, where warranted, a one-way school bus road of thirty foot width and a two-way road of thirty-six foot width; a school bus drop-off area; and eighteen foot wide posted fire lanes for fire apparatus; and

g. A thirty-foot wide access around the entire building.

6. Land owned by the Board of Education that does not meet the standards of N.J.A.C. 6A:26-7.1 may be supplemented by adjacent municipally owned land if it is formally leased on a long-term basis to the Board for exclusive use during school hours and there are no deed restrictions that prohibit school district use.

7. The Division's approval shall remain effective for three years, after which time Division approval shall again be required to be obtained prior to acquiring land.

C. Approval of the Acquisition of Land in Certain School Districts Under the Development Authority's Auspices - N.J.A.C. 6A:26-7.2

1. The Development Authority may acquire land on behalf of a school district eligible for one hundred percent State support of final eligible costs for school facilities projects that are consistent with the school district's approved LRFP. For such school districts, the NJDOE shall require submission of all information set forth in N.J.A.C. 6A:26-7.1(b) to demonstrate compliance with N.J.A.C. 6A:26-7.1. The Development Authority may submit the required information on behalf of such school districts.

D. Approval for the Acquisition of Existing Facilities - N.J.A.C. 6A:26-7.3

1. The Board planning to acquire an existing facility through purchase, gift, lease, or otherwise shall comply with all procedures and rules pertaining to the appropriation and use of capital funds as required by N.J.S.A. 18A:20-4 and 4.2. The school district shall also have the facility approved in accordance with N.J.A.C. 6A:26-3, which applies to the acquisition of a school site and for the construction of a new facility.

2. Facilities to be procured for temporary use shall comply with N.J.A.C. 6A:26-8 if subject to educational-adequacy review pursuant to N.J.A.C. 6A:26-5.4(c) because the facilities will house students.

R 7230 GIFTS, GRANTS, AND DONATIONS

A. Definitions

1. "Gift" means a donation of any property, real or personal, including cash, to the school district, to any individual school or class, or to any school program.

2. "Donor" means any individual or organization that offers a gift.

B. Gift Proposals

1. A gift proposal may be made to a Principal or administrator. When a gift is proposed to any staff member, the donor shall be referred to the Principal or administrator.

2. The Principal or administrator shall prepare and submit to the Superintendent a property donation form for any gift that cannot be accepted directly in accordance with C1. The form will include:

   a. The name and address of the donor;

   b. A description of the proposed gift;

   c. The class, school, and/or program to which the donation is made;

   d. The proposed use of the gift and its relation to the curriculum;

   e. The proposed location of the gift;

   f. The cost to the district, if any, for moving, installation, and maintaining the gift; and

   g. The donor's intention, if any, that the gift be a memorial.

3. A donor who proposes a gift of funds up to $300 in amount will be invited by the appropriate Principal or administrator to discuss the dedication of the funds to a purchase that will enrich the school program. The donor will be encouraged to fund purchases not likely to be made with public funds.

4. Any proposed donation of funds $300 or more will be referred to the Superintendent, who will invite the donor to confer with him/her on the dedication of the funds.

5. Principals and administrators are encouraged to keep a list of appropriate gifts as an aid to individuals and organizations seeking gift opportunities.

C. Acceptance of Gifts

1. The Principal of the school or the administrator of the program in which a proposed gift is to be used may accept the gift directly, provided its value does not exceed $300. Any such directly accepted gift must meet district standards for health and safety and must be promptly reported to the Superintendent.

2. The Superintendent may accept gifts of funds up to $300 in amount and gifts of property valued at up to $300. All gifts accepted by the Superintendent will be reported to the Board.

3. All gifts of value greater than $300 can be accepted only by resolution of the Board duly convened.

4. The staff members who would be professionally involved in the use of the gift will be consulted on its suitability in the educational program.

5. A gift of property may be submitted for professional assessment and evaluation before it is accepted, in order to determine the Board's potential liability for installation, maintenance, and/or repair.

6. The district purchasing officer will be consulted as to whether a proposed gift meets necessary district specifications. A gift that does not meet district health and safety standards will not be accepted.

7. A gift of money, whether or not it is dedicated to a specific purpose, will be accepted into the general account of the district. Any purchases made with the gift are subject to applicable state law and Board policy on advertising for bids and purchasing generally.

8. The donor of any accepted gift of property or cash will be notified in writing of the acceptance of the gift, the value of the gift in dollar amount, and the value of the gift to the educational program of the district.

9. A gift intended as a memorial will be fittingly recognized by means (such as a plaque or ceremony) approved by the donor and the Board.

10. Capital property accepted as a gift shall be insured for its replacement value.

Issued: 27 August 2020

R 7300.2 DISPOSITION OF LAND

The Board of Education by a recorded roll call majority vote of its full membership may dispose, by sale or otherwise, of any lands or any rights or interest therein, owned by it, which cease to be suitable or convenient for the use for which they were acquired or which are no longer needed for school purposes, whether acquired through purchase or through condemnation proceedings and the purchaser shall acquire title free from any use of purpose for which it may have been acquired by the Board in accordance with N.J.S.A. 18A:20-5 through 18A:20-7, N.J.A.C. 6A:26-7.4, and Policy 7100.

A. Written Request for Approval for Disposal – N.J.A.C. 6A:26-7.4(a)

The district shall make to the Division of Administration and Finance (Division) a written request for school district-owned land to be altered or disposed of through sale, transfer, or exchange of all or part of the total acreage, including rights or interest therein and/or improvements thereon, such as facilities, if applicable.

1. The district will send a copy of the request to the Executive County Superintendent who shall make recommendations to the Division. The Executive County Superintendent shall provide a copy of the recommendations to the Board.

2. The request shall indicate whether the district intends to convey the site, rights, or interest therein, and/or improvements thereon, under an exception to the public sale requirements of N.J.S.A. 18A:20-6.

3. The request shall indicate whether the school district intends to convey the site, rights, or interest therein, and/or improvements thereon that had been conveyed to the school district from the New Jersey Schools Development Authority (Development Authority) or funded in whole or in part by the State share under Educational Facilities Construction and Financing Act (EFCFA).

4. If the land, rights, or interest therein, and/or improvements thereon have been conveyed to the school district from the Development Authority, the request shall provide evidence acceptable to the New Jersey Department of Education that the property has not reverted to the Development Authority as authorized under N.J.A.C. 19:34-3.6.

5. If a school district seeks to dispose of land, rights, or interest therein, and/or improvements thereon funded in part with debt service aid pursuant to N.J.S.A. 18A:7G-9 or 10, and the land and/or improvements are either not needed or not being used for the purposes for which the bonds were issued, any proceeds from the disposal shall be used by the school district first to reduce the outstanding principal amount at the earliest call date or to annually reduce the debt service principal payments. The Board may request approval from the Commissioner to apply the proceeds over the term of the outstanding debt or by some other distribution mechanism if, for example, it is beneficial to stabilizing the school district's debt service tax levy.

B. Disposal – N.J.A.C. 6A:26-7.4(b)

The Division shall determine whether the disposal is consistent with the district's approved Long-Range Facilities Plan (LRFP) or has a negative impact on the educational adequacy of an individual site.

C. Notification of Approval – N.J.A.C. 6A:26-7.4(c)

The Division shall notify the school district of its approval or disapproval and send a copy to the Executive County Superintendent. If the disposal includes a site, rights, or interest therein and/or improvements thereon conveyed to the school district from the Development Authority, is funded in whole or in part by State share under EFCFA, or is in a school district that is required to use the Development Authority, the Division shall also notify the Development Authority.

D. Sale at Public Sale; Exceptions – N.J.S.A. 18A:20-6

Any lands, rights, or interests therein sold by the Board, except lands conveyed as part of a lease purchase agreement pursuant to N.J.S.A. 18A:20-4.2(f), shall be sold at public sale, to the highest bidder, after advertisement of the sale in a newspaper published in the district, or if none is published therein, then in a newspaper circulating in the district, in which the same is situated, at least once a week for two weeks prior to the sale, unless:

1. The same are sold to the State, or a political division thereof, in which case they may be sold at private sale without advertisement; or

2. The sale or other disposition thereof in some other manner is provided for in N.J.S.A. 18A.

E. Sales at Fixed Minimum Prices – N.J.S.A. 18A:20-7

1. In the case of public sales the Board may by resolution fix a minimum price with or without the reservation of the right, upon the completion of said public sale, to accept or reject the highest bid made, a statement whereof shall be included in the advertisement of sale of the lands and given as public notice at the time of the sale. The Board may by resolution provide without fixing a minimum price, that upon the completion of the public sale, the Board may accept or reject the highest bid received. If the Board fails to accept or reject the highest bid by the second regular Board meeting following the sale, the bid will be deemed to have been rejected.

2. If no bid is received or if the bids that are received are rejected by the Board in the public interest, the Board may enter into negotiations with any interested party or parties for the sale or other disposal of the property, but shall offer a bidder a hearing upon the bidder's request before entering into such negotiations.

3. The acceptance or rejection of a negotiated price shall be by the affirmative votes of a majority of the full number of Board members at a regularly scheduled meeting.

F. Sewer Lines - N.J.A.C. 6A:26-7.4(d)

The district may convey and transfer, without consideration, its right, title, and interest in and to any trunk or other sewer lines to a municipality, without requiring approval from the Division.

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R 7300.3 DISPOSITION OF PERSONAL PROPERTY

A. Definitions

1. "Personal property" means all Board of Education property other than real property as defined in Regulation 7300.2 and Federal property as defined in Regulation 7300.4.

2. "Excess property" means personal property that is no longer needed and is not required as a trade-in on a replacement purchase.

B. Master List of Excess Property

1. Upon request of the School Business Administrator/Board Secretary or designee, a Principal or other administrator will compile a list of excess property in a school district building or program at the close of a school year.

2. The School Business Administrator/Board Secretary will receive lists prepared in accordance with paragraph B.1. and will maintain a master, district-wide list of excess property.

3. A Principal or other administrator may request transfer of excess property by submitting a request to the School Business Administrator/Board Secretary.

4. An item transferred to another location in the school district will be removed from the district-wide list of excess property.

5. An item of personal property that has remained on the district-wide master list of excess property may be disposed of in accordance with Policy 7300 and this Regulation.

C. Disposal at Public Sale – N.J.S.A. 18A:18A-45

The Board may, by resolution and by sealed bid or public auction, authorize the sale of its personal property not needed for school purposes.

1. If the estimated fair value of the property to be sold exceeds fifteen percent of the bid threshold in any one sale and it is neither livestock nor perishable goods, it shall be sold at public sale to the highest bidder.

2. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in the official newspaper.

   Such sale shall be held not less than seven nor more than fourteen days after the publication of the notice thereof.

3. Personal property may be sold to the United States, the State of New Jersey, another Board of Education, any body politic, any foreign nation which has diplomatic relations with the United States, or any governmental unit in these United States by private sale without advertising for bids.

4. If no bids are received the property may then be sold at private sale without further publication or notice thereof, but in no event at less than the estimated fair value; or the Board may if it so elects, reoffer the property at public sale.

   As used herein, "estimated fair value" means the market value of the property between a willing seller and a willing buyer less the cost to the Board to continue storage or maintenance of any personal property not needed for school purposes to be sold pursuant to N.J.S.A. 18A:18A-45.

5. The Board may reject all bids if it determines such rejection to be in the public interest.

   a. In any case in which the Board has rejected all bids, it may readvertise such personal property for a subsequent public sale.

   b. If it elects to reject all bids at a second public sale, pursuant to N.J.S.A. 18A:18A-45, it may then sell such personal property without further publication or notice thereof at private sale, provided that in no event shall the negotiated price at private sale be less than the highest price of any bid rejected at the preceding two public sales and provided further that in no event shall the terms or conditions of sale be changed or amended.

6. If the estimated fair value of the property to be sold does not exceed the applicable bid threshold established pursuant to section C.1. above in any one sale or is either livestock or perishable goods, it may be sold at private sale without advertising for bids.

7. Notwithstanding the provisions of N.J.S.A. 18A:18A-45 and this Regulation, by resolution of the Board, the purchasing agent may include the sale of personal property no longer needed for school purposes as part of specifications to offset the price of a new purchase.

D. Discarding of Textbooks – N.J.S.A. 18A:34-3

1. Prior to discarding textbooks, the School Business Administrator/Board Secretary or designee shall notify the New Jersey Department of Education (NJDOE) of any textbooks the school district intends to discard.

2. In accordance with the provisions of N.J.S.A. 18A:34-3, the NJDOE shall within fourteen days of receiving notification from the school district of the intent to dispose of textbooks, list the textbooks in a textbook database.

3. The School Business Administrator/Board Secretary or designee shall retain the textbooks to be discarded for a period of one hundred and twenty days after the district has notified the NJDOE.

E. Scrap and Waste Property

1. In the event no bids are received for personal property or the personal property is not sold at public or private sales pursuant to N.J.S.A. 18A:18A-45, the Board may declare the personal property as scrap or waste and dispose of it locally.

2. Personal property declared scrap or waste with no recyclable or usable value may be discarded.

3. Personal property declared scrap or waste may not be given or sold to employees, private citizens, local governments, non-profit organizations, etc.

F. Board of Education Approval

1. The Board of Education will approve, by resolution of the Board, the negotiated price of personal property offered at private sale and any personal property declared scrap or waste.

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R 7300.4 DISPOSITION OF FEDERAL PROPERTY

A. Definitions

1. "Awarding agency" means with respect to this Regulation and a Federal grant, the Federal agency awarding the grant.

2. "Uniform Grant Guidance" means a set of Federal grant regulations that combines several previous Federal cost principles, administrative requirements, and audit requirement circulars into a single, comprehensive document.

3. "Federal property" means all equipment, supplies, or real property purchased with Federal grant funds.

4. "Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000, as defined in the Uniform Grant Guidance – 2 CFR Part 200.

5. "Real property" means land, including land improvements structures and appurtenances thereto, but excludes moveable machinery and equipment, as defined in the Uniform Grant Guidance – 2 CFR Part 200.

6. "Supplies" means all tangible personal property other than those described in "Equipment", as defined in the Uniform Grant Guidance – 2 CFR Part 200.

7. "Federal property no longer needed" for the purposes of this Regulation means property acquired under a Federal award that is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions.

B. Periodic Review

1. The School Business Administrator/Board Secretary will compile a list of physical inventory of Federal property in the district. This physical inventory must be taken and the results reconciled with the property records at least once every two years.

2. A list of Federal property no longer needed will be periodically distributed to all school facilities in the district.

3. Any school may request to transfer Federal property to a currently or previously funded Federal project or arrange a shared-time use with other such projects.

4. Federal property no longer needed in the school district will be considered for disposition.

C. Disposition of Federal Property - Equipment

1. The School Business Administrator/Board Secretary will request disposition instructions from the awarding agency for Federal equipment no longer needed.

   a. If the awarding agency fails to provide requested disposition instructions within one hundred and twenty days, items of Federal equipment with a current per-unit fair-market value in excess of $5,000 may be retained or sold by the school district. If the equipment is sold by the school district, the awarding agency is entitled to proceeds in accordance with 2 CFR 200.313(e)(2).

   b. Federal equipment no longer needed with a current per-unit fair-market value of $5,000 or less may be retained, sold, or otherwise disposed of with no further obligation to the awarding agency.

2. If the awarding agency fails to provide disposition instructions, the sale of Federal equipment no longer needed will be sold and/or disposed of in accordance with the provisions of N.J.S.A. 18A:18A-45 and Regulation 7300.3.

D. Disposal of Federal Property – Supplies

1. Title to supplies will vest in the school district upon acquisition.

2. If there is a residual inventory of unused supplies exceeding $5,000 in total aggregate value upon termination or completion of the project or program, and the supplies are not needed for any other Federal award, the school district shall retain the supplies for use on other activities or sell them, but must in either case, compensate the awarding agency for its share. The amount of compensation shall be computed in the same manner as for Federal equipment in accordance with 2 CFR 200.313(e)(2).

E. Disposal of Federal Property – Real Property

1. The School Business Administrator/Board Secretary or designee shall request disposition instructions from the United States Department of Education for real property equipment no longer needed for the original purpose.

2. The instructions must provide for one of the following alternatives: retain title after compensating the awarding agency; sell the property and compensate the awarding agency; transfer title to the awarding agency; or third party designated/approved by the awarding agency.

R 7410 MAINTENANCE AND REPAIR

A. Inspection

1. The Principal and the appropriate custodial staff member shall inspect the facility daily for proper functioning and cleanliness.

2. The Principal with the appropriate custodial staff member shall make a monthly inspection of the school building, support facilities, and grounds to identify any required repairs or replacements.

B. Reports

1. Reports of each inspection required in paragraph A1 and paragraph A2 will be made on the prescribed district form and forwarded to the School Business Administrator/Board Secretary.

2. The Supervisor of Buildings and Grounds will report to the School Business Administrator/Board Secretary those repairs to be performed by the district staff and those that require the services of an outside contractor.

C. Repairs by District Staff

1. Any teaching staff member may prepare, on the prescribed form, a work order request for repairs and/or maintenance. All work order requests will be submitted to School Business Administrator/Board Secretary.

2. The School Business Administrator/Board Secretary will assign a priority to those work orders to be performed by district staff. The priority code will be:

   a. Emergency, for work that must be done immediately,

   b. High Priority, for work that affects health or safety,

   c. Normal Priority, for work that affects neither health nor safety, and

   d. Low Priority, for work that can be completed during the summer months or whenever staff is available.

3. Work scheduled to be performed by the district staff shall be entered on a work order form unless an emergency exists in which case the form may be filed after the repair has been made.

4. The work order form shall include, at a minimum, the following information:

   a. Name of the person making the request;

   b. Date of request;

   c. Location of repair,

   d. A description of the work to be performed,

   e. Scheduled date of completion, and

   f. Signature of the School Business Administrator/Board Secretary.

D. Repairs by Outside Contractors

1. When it appears to be necessary to utilize outside contracting services to effect a repair, the Principal, head custodian, and any other interested staff member will confer in the preparation of a job specification.

2. The School Business Administrator/Board Secretary shall prepare a purchase requisition for submission to the Superintendent that indicates:

   a. The recommended vendor(s),

   b. The work required and its location,

   c. The reason why the work cannot be done by district staff, and

   d. The estimated cost as obtained from at least three contractors.

3. The Supervisor of Buildings and Grounds shall be responsible for supervising the conduct of the work.

E. Replacements and Improvements

1. The School Business Administrator/Board Secretary will prepare a replacement schedule that lists all district equipment. Annual recommendations will be made in the budget to maintain the schedule of replacements.

2. Replacements required but not scheduled shall be submitted to the Principal or the School Business Administrator/Board Secretary by the end of September on a budget request form for consideration in the next annual budget.

3. A comprehensive district maintenance plan shall be prepared in accordance with N.J.A.C. 6A:26A-3.1 in order to meet facility needs and comply with law.

Adopted: 27 August 2020

R 7420 HANDLING AND DISPOSAL OF BODY WASTES AND FLUIDS

A. Definitions

1. "Body wastes and fluids" includes a person's blood, semen, drainage from scrapes and cuts, feces, urine, vomitus, respiratory secretions (e.g., nasal discharge), and saliva. Body fluids of all persons should be considered to potentially contain infectious agents.

2. "Disinfectant" means an intermediate level agent that will kill vegetative bacteria, fungi, tubercle bacillus, and viruses and has been registered by the U.S. Environmental Protection Agency for use as a disinfectant in medical facilities and hospitals. The following classes of disinfectants are acceptable, with hypochlorite solution (A2c) preferred for objects that may be put in the mouth:

   a. Ethyl or isopropyl alcohol (70%);

   b. Phenolic germicidal detergent in a 1% aqueous solution;

   c. Sodium hypochlorite with at least 100 ppm available chlorine (one-half cup household bleach in one gallon water, freshly prepared for each use);

   d. Quaternary ammonium germicidal detergent in 2% aqueous solution; and

   e. Iodophor germicidal detergent with 500 ppm available iodine.

3. "Person" means any person on school premises or at a school-related activity, including students, staff members, and visitors, whether or not the person has a communicable disease or has been exposed to a communicable disease.

B. Precautions

1. Whenever possible, direct contact with body wastes and fluids should be avoided.

2. The wearing of protective gloves is required whenever direct hand contact with body wastes and fluids is anticipated, such as in treating a bloody nose, handling clothing soiled by incontinence, and cleaning small spills by hand.

3. Disposable protective gloves shall be worn by any person in the removal of body wastes and fluids and the treatment or disinfection of any items or surfaces that have come in contact with body wastes and fluids.

4. A supply of disposable protective gloves shall be maintained in the office of the Supervisor of Buildings and Grounds and shall be freely available to all staff members.

C. When Bodily Contact with Body Wastes or Fluids Occurs

1. Hands and other skin areas that have come in contact with a person's body wastes or fluids must be thoroughly washed by the use of soap and vigorous scrubbing of all contacted surfaces under running water for at least ten seconds. Hands and other skin areas should then be dried with paper towels.

2. Gloves soiled by contact with body wastes and fluids or in the cleaning of soiled items and surfaces should be promptly removed and placed in a plastic bag or lined trash can, secured, and disposed of daily.

D. Removal of Body Wastes and Fluids From the Environment

1. A sanitary absorbent agent, designed to absorb and disinfect body wastes and fluids, will be applied in accordance with instructions supplied with the material.

2. When the fluid is absorbed, the material will be vacuumed or swept up and the vacuum bag or sweepings will be disposed of in a plastic bag or lined trash can, secured, and disposed of daily.

3. The broom and dust pan used in sweeping will be rinsed in a disinfectant. No special handling is required for the vacuuming equipment.

4. Any disposable items (such as paper towels and tissues) used to clean up will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

E. Treatment of Soiled Items

1. Items such as clothing and fabric towels should be rinsed under cold running water to remove body wastes and fluids. If necessary for the treatment of stains, the item may be soaked in cold water.

2. If such prerinsing is required, gloves should be used when rinsing or soaking the items in cold water prior to bagging. Clothing should be sent home for washing with appropriate directions to parents/teachers.

3. Rinsed items may be stored in a plastic bag until further treatment can be given. A student's soiled clothing should be placed in a plastic bag with prepared laundry instructions for the parent(s) or legal guardian(s).

4. Clothing and other items soiled by body wastes and fluids should be laundered separately in soap and water. The use of a household chlorine bleach is recommended; if the material is not colorfast, a nonchlorine bleach may be used.

5. Soiled disposable items (e.g., tissues, cotton balls, band aids, paper towels, diapers) should be handled in the same manner as disposable gloves.

F. Treatment of Soiled Rugs

1. Body wastes and fluids should be removed as provided in D.

2. A rug shampoo with a germicidal detergent should be applied with a brush and, when dried, vacuumed.

3. The vacuum bag will be placed in a plastic bag or lined trash can, secured, and disposed of daily.

G. Disinfection of Hard Surfaces

1. Employees are to wear gloves while disinfecting hard surfaces and equipment.

2. Body wastes and fluids should be removed as provided in D and a disinfectant applied to the affected surface.

3. Mops should be soaked in the disinfectant after use and rinsed thoroughly or washed in a hot water cycle.

4. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate.

5. Nondisposable cleaning equipment (such as dust pans and buckets) should be thoroughly rinsed in the disinfectant.

6. The disinfectant solution should be promptly discarded down a drain pipe.

7. Gloves should be discarded in appropriate receptacles.

H. Disposal of Sharps

"Sharps" are defined as any instrument used to inject fluids into or draw fluids out of humans. Included are the pricks used for tine tests and blood sampling.

1. The school nurse shall keep a log of all sharps used on a monthly basis. One copy of the log shall be maintained with the nurse's files and one copy submitted to the Supervisor of Buildings and Grounds. The nurse will provide the Supervisor of Buildings and Grounds with a photocopy.

2. All sharps shall be placed in a medical waste container that is:

   - rigid

   - leak resistant

   - impervious to moisture

   - have sufficient strength to prevent tearing or bursting under normal conditions of use and handling

   - puncture resistant

   - sealed to prevent leakage during transport

   - labeled

   When the medical waste container is 75% full, the school nurse shall advise the Supervisor of Buildings and Grounds, who will arrange, by work order, to have the container picked up. The words, "Medical Waste", shall be clearly typed across the top of the work order form.

   The Supervisor of Buildings and Grounds will arrange for the contracted vendor to pick up the sharps container. The vendor will provide a completed transmittal form at the time of pick up. A copy of the transmittal form will be kept by the school nurse and a copy submitted to the Supervisor of Buildings and Grounds.

Adopted: 27 August 2020

R 7420.1 BLOODBORNE PATHOGEN EXPOSURE CONTROL PLAN

A. Definitions

1. "Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in human beings, including but not limited to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

2. "Exposure incident" means a specific eye, mouth, other mucous membranes, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

3. "Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or any other body fluid that may result from the performance of an employee's duties.

4. "Parenteral" means piercing mucous membranes or the skin barrier through such events as needle sticks, human bites, cuts, and abrasions.

5. "Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee.

B. Exposure Determination

The employees in this school district who have occupational exposure are those employees whose duties require close contact with students and include the job classifications designated by the Superintendent.

C. Workplace Controls

1. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. All body fluids shall be considered potentially infectious materials, whether or not the presence of bloodborne pathogens is determined and whether or not body fluid types can be differentiated.

2. All blood and body fluids shall be handled in accordance with Regulation No. R 7420, Handling and Disposal of Body Wastes and Fluids, which is incorporated herein as if set forth in its entirety.

D. Hepatitis B Vaccination

1. Hepatitis B vaccination shall be made available to each employee identified as having occupational exposure, after the employee has received training in bloodborne pathogens and within ten working days of his/her initial assignment, unless

   a. The employee has previously received the complete hepatitis B vaccination series,

   b. Antibody testing has revealed that the employee is immune,

   c. The vaccine is contraindicated for medical reasons, or

   d. The employee declines to receive the vaccine and signs the required statement to that effect, except than an employee who has declined to receive the vaccine and later decides to receive it shall be again offered the vaccine.

2. Hepatitis vaccination shall be made available without cost to employees, at a reasonable time and place, under the supervision of a licensed physician or other licensed healthcare professional, and in accordance with recommendations of the U.S. Public Health Service current at the time of the vaccination.

3. All laboratory tests shall be conducted by an accredited laboratory at no cost to the employee.

E. Post Exposure Evaluation and Follow-Up

Whenever an exposure incident is reported, the exposed employee shall be promptly offered a confidential medical evaluation and follow-up.

1. The route(s) of exposure and the circumstances under which exposure occurred shall be documented.

2. The identity of the source individual shall be documented, unless the Board establishes that identification is not feasible or is prohibited by state or federal law.

3. Unless the identified source individual's infection with HBV or HIV infection is already known, the identified source individual's blood shall be tested for HBV and HIV infectivity, provided that the source individual has consented to the test for HBV and HIV infectivity or when consent is not required by the law. When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

4. The results of any blood testing of the source individual shall be made available to the exposed employee, and the employee shall be informed of all laws and regulations regarding disclosure of the identity and infectious status of the source individual.

5. The exposed employee's blood shall be collected as soon as possible after the exposure and on the employee's consent for HBV and HIV serological status. The employee may withhold consent for HIV serological testing for up to ninety days, during which his/her blood sample shall be preserved.

6. The exposed employee shall be offered post-exposure prophylaxis, when medically indicated, as recommended by the U.S. Public Health Service; counseling; and evaluation of any reported illnesses.

F. Communication of Hazards to Employees

Any container that holds blood or other potentially infectious material shall be conspicuously labeled with a sign that its contents are a biohazard, in accordance with federal regulations. 29 C.F.R. 1910.1030(g).

G. Training Program

1. Employees with occupational exposure must participate in a training program, which shall be provided at no cost to the employee and during working hours.

2. Employees shall receive training on their initial assignment to a position with occupational exposure within ninety days after the effective date of the exposure and annually thereafter. Employees shall also receive training whenever any modifications in the position affects exposure except that any such training may be limited to the new exposures created.

3. Training materials shall be appropriate in content and vocabulary to the educational level, literacy, and language of employees.

4. The training program shall include as a minimum:

   a. An accessible copy of the OSHA regulation on bloodborne pathogens, 29 C.F.R. 1910.1030, and an explanation of its contents,

   b. A general explanation of the epidemiology and symptoms of bloodborne diseases,

   c. An explanation of the modes of transmission of bloodborne pathogens,

   d. An explanation of this Exposure Control Plan and the means by which the employee can obtain a copy of the plan,

   e. An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials,

   f. An explanation of the use and limitations of methods that will prevent or reduce exposure, including work practices and personal protective equipment,

   g. Information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment,

   h. An explanation of the basis for selection of personal protective equipment,

   i. Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of vaccination, and the free availability of the vaccine and vaccination,

   j. Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials,

   k. An explanation of the procedure to be followed if an exposure incident occurs, including the method of reporting that incident and the medical follow-up that will be made available,

   l. Information on the post-exposure evaluation and follow-up that the employer is required to provide after an exposure incident,

   m. Information regarding the labeling of biohazardous materials, and

n. An opportunity for interactive questions and answers with the person conducting the training session.

5. The person conducting the training shall be knowledgeable in the subject matter covered as is relates to the workplace that the training will address.

H. Recordkeeping

1. The district will establish and maintain an accurate medical record for each employee with occupational exposure in accordance with 29 CFR 1910.1020. The record shall include:

a. The name and social security number of the employee;

b. A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccinations required by Section D. of this regulation;

c. A copy of all results of examinations, medical testing, and follow-up procedures as required by Section E. of this Regulation;

d. The district's copy of the healthcare professional's written opinion as required by 29 C.F.R. 1910.1030 (f)5;

e. A copy of the information provided to the healthcare professional as required by 29 C.F.R. 1910.1030 (f)(4)ii(B)(C) and (D);

f. The district shall ensure the employee's medical records required in Policy 7420 and this Regulation are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by law; and

g. The medical records required in this section must be maintained by the district for at least the duration of employment of the employee plus thirty years in accordance with 29 CFR 1910.1020.

2. The district will maintain training records for three years from the date on which the training occurred. These records shall include:

a. The dates and contents or summary of the training sessions; and

b. The names and qualifications of persons conducting the training and the names and job titles of all persons attending the training sessions.

3. The district will ensure the training records required by this section of the Regulation be made available to authorized State and federal agencies, employees, and employee representatives upon request. Employee medical records required by this section of the Regulation shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, and to authorized State and federal agencies in a accordance with State and federal laws.

4. The district shall comply with the requirements involving the transfer of records set forth in 29 CFR 1910.1020(h).

5. The district shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the log shall be recorded and maintained in such a manner as to protect the confidentiality of the injured employee. The log shall contain, at a minimum: the type and brand of device involved in the incident; the department or work area where the exposure incident occurred; and an explanation of how the incident occurred. This log shall be maintained for the period required by 29 CFR 1904.6.

I. District's Exposure Control Plan

1. The District's Exposure Control Plan shall be reviewed at least annually and whenever necessary to reflect new or modified tasks and procedures that affect occupational exposure and to reflect new or revised employee positions with occupational exposure. The review and update of the Plan shall also:

a. Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and

b. Document annually consideration and implementation of appropriate, commercially-available, and effective safer medical devices designated to eliminate or minimize occupational exposure.

J. Staff Input

1. The Supervisor of Buildings and Grounds shall solicit input from non-managerial employees who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document this solicitation in the Exposure Control Plan.

Adopted: 27 August 2020

R 7420.2 CHEMICAL HYGIENE

A. Definitions

The following terms shall be defined as specified in 29 CFR 1910:

1. "Action level" means a concentration designated in 29 CFR part 1910 for a specific substance, calculated as an eight hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.

2. "Carcinogen" (see "select carcinogen").

3. "Chemical Hygiene Officer" means an employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer's organizational structure.

4. "Chemical Hygiene Plan" means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that (i) are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and (ii) meets the requirements of a Chemical Hygiene Plan.

5. "Combustible liquid" means any liquid having a flashpoint at or above 100°F (37.8°C) but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C) or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

6. "Compressed gas" means:

   a. A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

   b. A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

c. A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTMD-323-72.

7. "Designated area" means an area which may be used for work with "select carcinogens," reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.

8. "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.

9. "Employee" means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his/her assignments.

10. "Explosive" means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

11. "Flammable" means a chemical that falls into one of the following categories:

a. "Aerosol, flammable" means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening:

b. "Gas, flammable" means

(1) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent by volume or less; or

(2) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12 percent by volume regardless of the lower limit.

c. "Liquid, flammable" means any liquid having a flashpoint below 100°F (37.8°C) except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.

d. "Solid, flammable" means a solid, other than a blasting agent or explosive as defined in § 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

12. "Flashpoint" means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

a. Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tagliabue Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C) that do not contain suspended solids and do not have a tendency to form a surface film under test: or

b. Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester A11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C) or that contain suspended solids, or that have a tendency to form a surface film under test; or

c. Setaflash Closed Tester (see American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

13. "Hazardous chemical" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

Appendices A and B of the Hazard Communication Standard (29 CFR 1910.1200) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

14. “Laboratory” means a facility where the "laboratory use of hazardous chemicals" occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis.

15. “Laboratory scale” means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. "Laboratory scale" excludes those workplaces whose function is to produce commercial quantities of materials.

16. “Laboratory-type hood” means a device located in a laboratory, enclosure on five sides with a movable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee’s body other than hands and arms.

    Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

17. “Laboratory use of hazardous chemicals” means handling or use of such chemicals in which all of the following conditions are met:

    a. Chemical manipulations are carried out on a "laboratory scale";

    b. Multiple chemical procedures or chemicals are used;

    c. The procedures involved are not part of a production process, nor in any way simulate a production process; and

    d. "Protective laboratory practices and equipment" are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

18. "Medical consultation" means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.

19. "Organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

20. "Oxidizer" means a chemical other than a blasting agent or explosive as defined in § 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

21. "Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

22. "Protective laboratory practices and equipment" means those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.

23. "Reproductive toxins" means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

24. "Select carcinogen" means any substance which meets one of the following criteria:

    a. It is regulated by OSHA as a carcinogen; or

    b. It is listed under the category, "known to be carcinogens," in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or

    c. It is listed under Group 1 ("carcinogenic to humans") by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or

d. It is listed in either Group 2A or 2B by IARC or under the category, "reasonably anticipated to be carcinogens" by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

(1) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m3;

(2) After repeated skin application of less than 300 (mg/kg of body weight) per week; or

(3) After oral dosages of less than 50 mg/kg of body weight per day.

25. "Unstable (reactive)" means a chemical which is in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

26. "Water-reactive" means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

B. Employee Exposure

The Board shall provide for initial and periodic monitoring of any employees if there is reason to believe that exposure levels to an OSHA regulated substance will exceed permissible limits as specified in 29 CFR part 1910 subpart Z. Monitoring may only be terminated in accordance with the relevant standard. The Supervisor of Buildings and Grounds will notify in writing affected employees within fifteen working days of the results of monitoring either individually or by posting the results in a location accessible to all employees.

C. Chemical Hygiene Plan

1. The Superintendent shall cause the development of a Chemical Hygiene Plan by the Supervisor of Buildings and Grounds which shall include at least the following elements and indicate specific measures the Board will take to ensure employee protection:

a. Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals;

b. Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices; particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;

c. A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performance of such equipment;

d. Provisions for employees information and training as prescribed by 29 CFR Part 1910;

e. The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;

f. Provisions for medical consultation and medical examinations in accordance with 29 CFR Part 1910;

g. Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene Officer and, if appropriate, establishment of a Chemical Hygiene Committee; and

h. Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens", reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate:

(1) Establishment of a designated area;

(2) Use of containment devices such as fume hoods or glove boxes;

(3) Procedures for safe removal of contaminated waste; and

(4) Decontamination procedures.

2. The plan shall be capable of protecting employees from health hazards associated with hazardous chemicals in laboratories and keeping exposure below specified limits.

D. Employee Information and Training

The Supervisor of Buildings and Grounds shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area. The information shall be provided at the time of the employees initial assignment to the work area and whenever new exposure situations arise. Refresher information shall be provided as the situation with regard to hazardous chemicals changes. Employees shall be informed of (1) the contents of federal standards relating to hazardous chemicals; (2) the location and availability of the chemical hygiene plan; (3) the permissible exposure limits as established by OSHA; (4) signs and symptoms associated with exposure to hazardous chemicals used in the laboratory and (5) the location and availability of known references on the hazards, safe handling, storage and disposal of hazardous chemicals.

Employee training shall include (1) methods and observations used to detect the presence or release of hazardous chemicals; (2) the physical and health hazards of chemicals in the work area; (3) the measures employees can use to protect themselves, including specific procedures the Board has implemented to protect employees; (4) training on the applicable details of the Board's Chemical Hygiene Plan.

E. Medical Consultation

The Board will provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including follow-up examinations the physician deems necessary under the following circumstances:

1. Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.

2. Where exposure monitoring reveals an exposure level routinely above the action level (or in the absence of an action level, the PEL) for an OSHA regulated substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.

3. Whenever an event takes place in the work area such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

F. Information Provided to the Physician

The employer shall provide the following information to the physician:

1. The identity of the hazardous chemicals(s) to which the employee may have been exposed;

2. A description of the conditions under which the exposure occurred including quantitative exposure data, if available; and

3. A description of the signs and symptoms of exposure that the employee is experiencing, if any.

G. Physician's Written Opinion Shall Include:

1. Any recommendation for further medical follow-up;

2. The results of the medical examination and any associated tests;

3. Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and

4. A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

H. Hazard Identification

With respect to labels and material data sheets, the Board shall (1) ensure that labels on incoming containers of hazardous materials are not removed or defaced; (2) maintain material safety data sheets and ensure they are available to employees, and (3) comply with federal regulations with regard to chemical substances produced within the laboratory, assuming that if a substance is produced whose composition is not known that it will be assumed it is hazardous.

I. Use of Respirators

Where respirators are required to maintain exposure below permissible limits, they will be provided to the employee at no cost and will comply with the requirements of 29 CFR 1910.134.

J. Recordkeeping

The Supervisor of Buildings and Grounds shall establish and maintain for each employee exposed to hazardous chemicals an accurate record of any measurements taken to monitor employee exposures and any medical consultation and examinations including tests or written opinions required by federal standards. The Board shall assure that records are kept, transferred and made available in accordance with 29 CFR 1910.1020.

Adopted: 27 August 2020

R 7421 INDOOR AIR QUALITY STANDARDS

A. Definitions

1. "Air contaminants" - refers to substances contained in vapors from paint, cleaning chemicals, pesticides, solvents, particles, outdoor air pollutants and other airborne substances which together may cause material impairment to employees working within the enclosed workplace.

2. "Building related illnesses" - describes specific medical conditions of known etiology which can be documented by physical signs and laboratory findings. Such illnesses include sensory irritations when caused by known agents, respiratory allergies, asthma, nosocomical infections, humidifier fever, Legionnaires' Disease, and the signs and symptoms characteristic of exposure to chemical or biologic substances such as carbon monoxide, formaldehyde, pesticides, endotoxins, or mycotoxins.

3. "Building systems" - include the heating, ventilating and air-conditioning (HVAC) system, the energy management system and all other systems in a facility which may impact indoor air quality.

4. "Department" - Department of Health and Senior Services

5. "Designated person" - a person who is designated by the administration to take necessary measures to assure compliance with indoor air quality standards.

6. "HVAC system" - means the collective components of the heating, ventilation and air conditioning systems including, but not limited to, filters and frames, cooling coil condensate drip pans and drainage piping, outside air dampers and actuators, humidifiers, air distribution ductwork, automatic temperature controls, and cooling towers.

7. "HVAC System Commissioning Report" - means a document normally prepared by an architect or engineer that provides verification that the HVAC system is operating in conformity with the design intent.

8. "Office Building" - means a building in which administrative and/or clerical activities are conducted. Examples of facilities and/or operations which are not office buildings include schools, repair shops, garages and print shops.

9. "Renovations and remodeling" - means building modification involving activities that include, but are not limited to; removal or replacement of walls, roofing, ceilings, floors, carpet and components such as moldings, cabinets, doors, and windows; paintings; decorating; demolition; surface refinishing; and removal or cleaning of ventilating ducts.

B. Compliance Program

The Superintendent will designate the Supervisor of Buildings and Grounds who is given the responsibility to assure compliance with indoor air quality standards. The designated person will assure that at least the following actions are limited and documented:

1. Establishing and following a preventative maintenance schedule for heating, ventilating and air conditioning (HVAC) systems that are in accordance with manufacturer's recommendations or with accepted practice for the HVAC system.

2. Implementing the use of general and local exhaust ventilation where housekeeping and maintenance activities involve the use of equipment or products that could reasonably be expected to result in hazardous chemicals or particulate exposure above the Permissible Exposure Limit (PEL).

3. When the carbon dioxide level exceeds 1,000 parts per million (ppm), the designated person will check to make sure the HVAC system is operating properly. If it is not, the designated person will take necessary steps as outlined in 1. above.

4. Check to make sure HVAC systems are working properly when the building temperatures are outside of the range of 68 to 79 degrees Fahrenheit. If it is not, the designated person will take necessary steps as outlined in 1. above.

5. If contamination of the make-up air supply is identified and documented, then the make-up inlets and/or exhaust outlets shall be re-located or the source of the contamination eliminated. Sources of make-up air contamination may include contaminants from sources such as cooling towers, sanitary vents, vehicular exhausts from parking garages, loading docks and street traffic.

6. Assure that buildings without mechanical ventilation have operable windows, doors, vents, stacks and other portals designated or used for natural ventilation are operational.

7. Promptly investigate all employee complaints of signs or symptoms that may be associated with building-related illnesses.

C. Air Quality During Renovation and Remodeling

1. Renovation work and/or new construction that results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health will be safeguarded by means of local ventilation or other protective devices to ensure the safety of employees. Renovation areas in occupied buildings shall be isolated and dust and debris shall be confined to the renovation or construction area.

2. Before use of paints, adhesives, sealants, solvents, or installation of insulation, particle board, plywood, floor coverings, carpet backing, textiles, or other materials in the course of renovation or construction, the designated person will check product labels or seek and obtain information from the manufacturers of those products on whether or not they contain volatile organic compounds such as solvents, formaldehyde or isocyanates that could be emitted during regular use. This information shall be used to select products and to determine necessary measures to be taken to comply with indoor air quality standards.

3. The designated person will notify employees at least twenty-four hours in advance, or promptly in emergency situations of work to be performed on the building that may induce air contaminants into their work area.

D. Recordkeeping

1. The maintenance schedule shall be updated by the designated person to show all maintenance performed on the building systems. The schedule shall include the date such maintenance was performed and the name of the person or company performing the work.

2. The records required to be maintained by this section shall be retained for at least three years and be available on request to employees and employee representatives and Department representatives for examination and copying.

E. Response To A Signed Complaint From The Department

1. Within fifteen working days of receipt of the complaint notification from the Department, the designated person will respond in writing to the Department. The response may include any combination of the following:

a. A statement that the complaint is unfounded;

b. A description of any remedial action already taken;

c. An outline of any remedial measures planned but not yet taken, with a timeline for completion; and/or

d. A statement that a study of the problem, with a timetable for completion of the study, has been initiated.

2. Where remedial measures are planned or a study initiated, they shall be completed as soon as feasible. The designated person will submit, to the Department, a written report describing the remedial measures implemented and/or a copy of the study's report within fifteen working days of completion.

3. Permits for remedial work shall be obtained as required by N.J.A.C. 5:23 (the New Jersey Uniform Construction Code). All work requiring a permit shall be performed in compliance with N.J.A.C. 5:23.

F. In response to an employee complaint to the Department, the designated person will provide any of the following documents, if available, and requested by the Department:

1. As-built construction documents;

2. HVAC system commissioning reports;

3. HVAC systems testing, adjusting and balancing reports;

4. Operations and maintenance manuals;

5. Water treatment logs; and

6. Operator training materials.

Issued: 27 August 2020

R 7422 SCHOOL INTEGRATED PEST MANAGEMENT PLAN

A. Definitions

1. "Commissioner" means the Commissioner of Environmental Protection.

2. "Department" means the Department of Environmental Protection.

3. "Integrated Pest Management Coordinator" or "coordinator" means an individual who is knowledgeable about integrated pest management systems and has been designated by the Board, as the Integrated Pest Management Coordinator (IPMC) pursuant to the New Jersey School Integrated Pest Management Act. The IPMC is authorized to perform the statutory IPM responsibilities of the Board of Education.

4. "Low Impact Pesticide" means any pesticide or pesticidal active ingredient alone, or in combination with inert ingredients, that the United States Environmental Protection Agency has determined is not of a character necessary to be regulated pursuant to the "Federal Insecticide, Fungicide, and Rodenticide Act," 7 U.S.C. s.136 et seq. and that has been exempted from the registration and reporting requirements adopted pursuant to that act; any gel; paste; bait; antimicrobial agent such as a disinfectant used as a cleaning product; boric acid; disodium octoborate tetrahydrate; silica gels; diatomaceous earth; microbe-based insecticides such as bacillus thuringiensis; botanical insecticides, not including synthetic pyrethroids, without toxic synergists; and biological, living control agents.

5. "Pesticide" means any substance or mixture of substances labeled, designed, intended for or capable of use in preventing, destroying, repelling, sterilizing or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds and other forms of plant or animal life or viruses, except viruses on or in living man or other animals. "Pesticide" shall also include any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator.

6. "Plan" means the school district's goals regarding the management of pests and the use of pesticides on all school property. The plan shall be developed in accordance with the requirements of N.J.S.A. 13:1f-19 through 33.

7. "School" means any public or private school as defined in N.J.S.A. 18A:1-1.

8. "School Integrated Pest Management Policy" means a managed pest control policy that eliminates or mitigates economic, health, and aesthetic damage caused by pests in schools; that delivers effective pest management, reduces the volume of pesticides used to minimize the potential hazards posed by pesticides to human health and the environment in schools; that uses integrated methods, site or pest inspections, pest population monitoring, an evaluation of the need for pest control, and one or more pest control methods, including sanitation, structural repair, mechanical and biological controls, other non-chemical methods, and when non-chemical options are ineffective or unreasonable, allows the use of a pesticide, with a preference toward first considering the use of a low impact pesticide for schools.

9. "School pest emergency" means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

10. "School property" means any area inside and outside of the school buildings controlled, managed, or owned by the school district.

11. "Staff member" means an employee of the school district, including administrators, teachers, and other persons regularly employed by the school district, but shall not include an employee hired by the school district or the State to apply a pesticide or a person assisting in the application of a pesticide.

12. "Universal notification" means notice provided by the school district to all parents or legal guardians of children attending a school, and staff members of the school district.

B. Integrated Pest Management Coordinator (IPMC)

The Supervisor of Buildings and Grounds shall be designated the Integrated Pest Management Coordinator (IPMC) of the school district. The Integrated Pest Management Coordinator (IPMC) shall:

1. Maintain information about individual schools, the school district's Integrated Pest Management Policy, and about pesticide applications on the school property of the schools within the school district;

2. Act as a contact for inquiries about the School Integrated Pest Management Policy; and

3. Maintain material safety data sheets, when available, and labels for all pesticides that are used on the school property or in the schools in the school district.

C. Maintenance of Records of Pesticide Application; Notices of Policy

The IPMC shall request from the pesticide applicator and shall maintain records of pesticide applications used on school property or for each school in the school district for three years after the application, and for five years after the application of a pesticide designed to control termites, and on request, shall make the data available to the public for review.

A notice of the school district's Integrated Pest Management Policy shall be included in school calendars or another form of universal notification to students and parent(s) or legal guardian(s). The notice shall include:

1. The school district's Integrated Pest Management Policy;

2. A list of any pesticide that is in use or that has been used in the last twelve months on school district property at each school location;

3. The name, address, and telephone number of the Integrated Pest Management Coordinator (IPMC) of the school district;

4. A statement that:

   a. The IPMC maintains the product label and material safety data sheet, when available, of each pesticide that may be used on school property;

   b. The label and data sheet is available for review by a parent, legal guardian, staff member, or student attending the school; and

   c. The Integrated Pest Management Coordinator (IPMC) is available to parents, legal guardians, and staff members for information and comment.

5. The time and place of any Board meetings that will be held to adopt the School Integrated Pest Management Policy; and

6. The following statement:

"As part of a school pest management plan, the School District may use pesticides to control pests. The United States Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (DEP) register pesticides to determine that the use of a pesticide in accordance with instructions printed on the label does not pose an unreasonable risk to human health and the environment. Nevertheless, the EPA and DEP cannot guarantee that registered pesticides do not pose any risk to human health, thus unnecessary exposure to pesticides should be avoided. The EPA has issued the statement that where possible, persons who are potentially sensitive, such as pregnant women, infants and children, should avoid unnecessary pesticide exposure."

After the beginning of each school year, the IPMC, in conjunction with the Building Principal(s), shall provide this notice to each new staff member who is employed during the school year and to the parent(s) or legal guardian(s) of each new student enrolled during the school year.

D. Permitted Use of Certain Pesticides; Notice

If it is determined that a pesticide, other than a low impact pesticide, must be used on school property, the pesticide may be used only in accordance with the requirements of N.J.S.A. 13:1F-25.

1. The Principal, upon prior notice from the IPMC, shall provide notice to a parent or legal guardian of each student enrolled at the school and each staff member of the school, at least seventy-two hours before a pesticide, other than a low impact pesticide, is used on school property. The notice shall include:

   a. The common name, trade name, and federal Environmental Protection Agency registration number of the pesticide;

   b. A description of the location of the application of the pesticide;

   c. The date and time of application, except that, in the case of outdoor pesticide applications, one notice shall include three dates, in chronological order, on which the outdoor pesticide applications may take place if the preceding date is cancelled;

d. A statement that the Office of Pesticide Programs of the United States Environmental Protection Agency has stated: "Where possible, persons who potentially are sensitive, such as pregnant women, infants, and children, should avoid any unnecessary pesticide exposure";

e. A description of potential adverse effects of the pesticide based on the material safety data sheet, if available, for the pesticide;

f. A description of the reasons for the application of the pesticide;

g. The name and telephone number of the school district's IPMC; and

h. Any additional label instruction and precautions related to public safety.

2. The notice required by D.1. above may be provided by:

a. Written notice sent home with the student and provided to each staff member;

b. A telephone call;

c. Direct contact;

d. Written notice mailed at least one week before the application; or

e. Electronic mail.

3. If the date of the application of the pesticide must be extended beyond the period required for notice under this section, the Board shall reissue the notice required under D.1. above for the new date of application.

E. Posting of Sign Prior to Use of Certain Pesticides

At least seventy-two hours before a pesticide, other than a low impact pesticide, is used on school property, the IPMC shall post a sign that provides notice of the application of the pesticide in a prominent place that is in or adjacent to the location to be treated and at each entrance to the building or school ground to be treated.

A sign required for the application of a pesticide shall:

1. Remain posted for at least seventy-two hours after the end of the treatment;

2. Be at least 8½ inches by 11 inches; and

3. State the same information as that required for prior notification of the pesticide application pursuant to Section D.1. of this Regulation.

In the case of outdoor pesticide applications, each sign shall include three dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled due to weather. A sign shall be posted after an outdoor pesticide application in accordance with 1, 2 and 3 above.

The requirement imposed pursuant to this section shall be in addition to any requirements imposed pursuant to the "Pesticide Control Act of 1971," P.L. 1971, c.176 (C.13:1F-1 et seq.), and any rules or regulations adopted pursuant thereto.

F. Applicability of Notice and Posting Requirements

The provisions of Sections D and E of this Regulation shall apply if any person applies a pesticide, other than a low impact pesticide, on school property, including a custodian, staff member, or commercial applicator. These provisions shall apply to a school during the school year, and during holidays and the summer months, only if the school is in use by children during those periods. During those periods, notices shall be provided to all staff members and the parents or legal guardians of the students that are using the school in an authorized manner.

G. Emergency Use of Certain Pesticides

A pesticide, other than a low impact pesticide, may be applied on school property in response to an emergency, without complying with the provisions of Sections D and E of this Regulation, provided the following requirements are met:

1. The Building Principal shall, upon prior notice from the IPMC and within twenty-four hours after the application or on the morning of the next school day, provide to each parent or legal guardian of students enrolled at the school, and staff members of the school, notice of the application of the pesticide for emergency pest control that includes:

   a. The information required for a notice under Section D of this Regulation;

   b. A description of the problem and the factors that qualified the problem as an emergency that threatened the health or safety of a student or staff member; and

c. If necessary, a description of the steps that will be taken in the future to avoid emergency application of a pesticide pursuant to this section.

The district may provide notice required in G.1. above by:

1. Written notice sent home with the student and provided to the staff members;

2. A telephone call;

3. Direct contact; or

4. Electronic mail.

When a pesticide is applied pursuant to this section, the IPMC shall post a sign warning of the pesticide application at the time of the application of the pesticide in accordance with the provisions of Section E of this Regulation.

If there is an application of a pesticide pursuant to this section, the IPMC shall modify the School Integrated Pest Management Plan of the school district if necessary, to minimize the future emergency applications of pesticides under this section.

A pesticide, other than a low impact pesticide, shall not be applied on school property where students are expected to be present for academic instruction or for organized extra-curricular activities prior to the time prescribed for re-entry to the application site by the United States Environmental Protection Agency on the pesticide label, except that if no specific numerical re-entry time is prescribed on a pesticide label, such a pesticide, other than a low impact pesticide, shall not be applied on school property where students are expected to be present for academic instruction or for organized extra-curricular activities within seven hours of the application.

A pesticide, other than a low impact pesticide, shall not be applied in a school building when students are present. Students may not be present in an untreated portion of a school building being treated unless the area being treated with a pesticide, other than a low impact pesticide, is served by a separate ventilation system and is separated from the untreated area by smoke or fire doors.

A low impact pesticide may be applied in areas of a school building where students will not contact treated areas until sufficient time is allowed for the substance to dry or settle, or after the period of time prescribed for re-entry or for ventilation requirements on the pesticide label has elapsed.

The requirements of this section shall not apply when pesticides are applied on school property for student instructional purposes or by public health officials during the normal course of their duties.

H. Immunity From Liability of Commercial Pesticide Applicator

A commercial pesticide applicator shall not be liable to any person for damages resulting from the application of a pesticide at a school if the damages are solely due to the failure of the IPMC to provide the notice required prior to the application of a pesticide pursuant to the provisions of sections 7, 8, 9, or 10 of P.L. 2002, c.117 (C.13:1F-25, C.13:1F-26, C.13:1F-27 or C.13:1F-28).

I. Development, Availability of Form for Certifying Compliance

The Department of Environmental Protection shall develop and make available to commercial pesticide applicators a form that a commercial pesticide applicator may request an Integrated Pest Management Coordinator (IPMC) to sign prior to the application of a pesticide, other than a low impact pesticide, on school property. The form developed pursuant to this section shall set forth a certification by the Integrated Pest Management Coordinator (IPMC) that the notice and posting requirements for the application of a pesticide established pursuant to Sections D and E of this Regulation, or the posting requirement established pursuant to Section G of this Regulation, as appropriate, have met compliance requirements. Upon being presented by a commercial pesticide applicator with a form pursuant to this section, the signature of the Integrated Pest Management Coordinator (IPMC) shall be required as a condition for the application of the pesticide.

The Department of Environmental Protection may issue an administrative order against a local school Board that fails to adopt and implement a pesticide use and school Integrated Pest Management Policy in compliance with the provisions of N.J.S.A. 13:1F-32.

The Commissioner shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules or regulations as are necessary to implement the provisions of the School Integrated Pest Management Act.

Issued: 27 August 2020

R 7424 BED BUGS

The following procedures are established in implementation of Policy 7424 – Bed Bugs.

A. Observation of Possible Bed Bug Bites or Bed Bugs on a Student

1. A staff member who observes what he/she believes may be bed bug bites on a student or bed bugs on the student or in or on the student's possessions shall send the student to the school nurse.

2. The school nurse shall examine the student to determine if the student has bed bug bites or if there are any bed bugs present on the student or in or on the student's possessions.

3. If the school nurse determines the student does not have bed bug bites or bed bugs on them or in or on their possessions, the student will be returned to resume their school day.

B. Confirmation of Bed Bug Bites or Bed Bugs on a Student

1. If the school nurse believes the student has bed bug bites or finds bed bugs on the student or in or on the student's possessions, the school nurse will contact the Principal or designee.

2. The Principal or designee will arrange for a licensed pest management professional to complete an inspection of the student's classroom(s) to determine if bed bugs are present.

3. If a licensed pest management professional cannot complete an inspection within twenty-four hours of the request from the school district, the district custodial staff will vacuum the student's classroom(s) with a vacuum cleaner using a new vacuum cleaner bag.

4. When vacuuming is completed by district custodial staff, the staff member shall seal the bag and discard it in a receptacle outside the school building. If the vacuum does not have a bag, the contents of the vacuum shall be emptied into a secure plastic bag, sealed, and discarded into a receptacle outside the school building. The vacuum will also be treated.

5. The Principal shall determine if the classroom(s) should be occupied by staff and students until the inspection by a licensed pest management professional is conducted.

C. Inspection by Licensed Pest Management Professional

1. If an inspection by the licensed pest management professional determines bed bugs are not present in the classroom(s) inspected, the school program shall resume use of the classroom(s) if the Principal previously decided the classroom(s) should not be occupied by staff or students.

2. If an inspection by the licensed pest management professional determines bed bugs are in the classroom(s), the area(s) will be treated by a licensed pest management professional. Any treatment shall be in accordance with the provisions of the New Jersey Pest Management Act, the district's Pest Management Plan, and any other applicable law.

D. Communication with Student's Parent

1. The school nurse will contact the student's parent on the results of the examination.

2. A parent of a student who is believed to have a live bed bug(s) on them or in or on their possessions will be required to arrange for their child to be picked-up from school to return home to change clothes and for the parent to inspect any possessions the student brings to school. The nurse may provide the parent with information regarding bed bugs.

a. Upon the student's return to school after being sent home to change clothes and an inspection of their possessions they bring to school, the student will be required to report to the school nurse who will examine the child and the child's possessions before the child can resume the school day.

(1) If there are no signs of bed bugs on the student or in or on the student's possessions upon being examined by the school nurse after the child returns to school, the student will be able to resume their school day.

b. The school nurse may examine the student and the student's possessions subsequent to their initial return to school to ensure the student and possessions are free of bed bugs.

(1) In the event the nurse finds live bed bugs on the student or in or on the student's possession after the student's initial return to school or upon any subsequent examination by the school nurse, the school nurse will contact the parent and require the parent to pick-up the student from school.

3. A parent of a student who is believed to have bed bug bites, but no evidence of bed bugs on them or in or on their possessions, will be informed of such results and the student may be required to be examined by the school nurse subsequent to the initial examination to ensure bed bugs are not on the student or in or on their possessions they bring to school.

E. School Communications

1. The Principal, in consultation with the school nurse, will determine if the parents of other students should be informed if bed bugs are found in an area of the school. This determination will be made on a case-by-case basis.

a. Parents of other students need not be informed if bed bugs are found on a student or in or on the student's possessions, and are not found in the school building.

F. Compliance with Applicable Laws

1. The Principal or designee will ensure the school district complies with all notification requirements and any other legal requirements, including the New Jersey Pest Management Act, the district's Pest Management Plan, and any other applicable law.

Issued: 27 August 2020

R 7430 SCHOOL SAFETY

Guidelines for Dealing with Accident/Injury

1. The school nurse or another trained person shall be responsible for administering first aid.

2. In all cases where the nature of an injury appears in any way serious, every effort shall be made to contact the parent(s) or legal guardian(s) and/or family physician immediately.

3. Parent(s) or legal guardian(s) shall be requested to pick up the student. If a parent(s) or legal guardian(s) is unable to provide such transportation, no student who is injured shall be sent home alone. A student who is injured may be taken home if a responsible person is there to receive that student.

4. In extreme emergencies, the school nurse, school doctor or Principal may make arrangements for immediate hospitalization of injured students. Parent(s) or legal guardian(s) should be contacted as soon as possible.

5. The teacher or other staff member who is responsible for a student at the time an accident occurs shall make out a report within twenty-four hours, providing details about the accident. This shall be required for every accident whether first aid is necessary or not.

6. Any injuries or accidents to students shall be reported as soon as possible to the Superintendent.

Emergency Medical Procedures for Sports/Athletics

The Board of Education recognizes its responsibility for student safety in all aspects of sports and athletic events, both intramural and interscholastic. Emergency medical procedures are to be developed at each school having an athletic program to ensure delivery of appropriate emergency medical services for all practice sessions, competitive contests, games, events, or exhibitions with individual students or teams of the schools of this district whether among themselves or with students of other districts.

These emergency medical procedures shall be disseminated to appropriate personnel within the district.

Adopted: 27 August 2020

R 7432 EYE PROTECTION PRACTICES

A. Eye Protection Devices

1. The following types of eye protective devices must be worn by all students, staff members, and visitors (including persons attending evening adult school programs) participating in the activity or process designated wherever it may occur on school premises:

Potential eye hazard	Protective devices
Caustic or explosive	Goggle, flexible fitting materials, hooded ventilation; add plastic window face shield for severe exposure
Dust producing operations	Goggle, flexible fitting, hooded ventilation
Electric arc welding	Welding helmet in combination with spectacles with eye cup or semi- or flat-fold side shields
Oxy-acetylene welding	Welding goggle, eye cup type with tinted lenses; welding goggle, coverspec type with tinted lenses or tinted plate lens
Hot liquids and gases	Goggle, flexible fitting, hood ventilation; add plastic window face shield for severe exposure
Hot solids	Clear or tinted goggles or spectacles with side shields
Molten materials	Clear or tinted goggles and plastic or mesh window face shield
Heat treatment or tempering	Clear or tinted goggles or clear or tinted spectacles with side shields

Potential eye hazard	Protective devices
Glare operations	Tinted goggles; tinted spectacles with side shields or welding goggles, eye cup or coverage type with tinted lenses or plate lens
Shaping solid materials	Clear goggles, flexible or rigid body; spectacles with side shields; add plastic window face shield for severe exposure
Laser device operation or experimentation	Appropriate for specific hazard
Repair or servicing of vehicles	Clear goggles, flexible or rigid body; clear spectacles with side shields
Other potentially hazardous proces activities	Appropriate for specific hazard

2. The supplier of any eye protective device to this district shall certify in writing that the device meets or exceeds ANSI standards. All spectacle type eye protective devices shall have side shields of the eye cup, semi-, or flat-fold type.

3. Staff members shall regularly and frequently inspect the eye protective devices used in their classes and shall report to the Principal devices that are defective or poorly fitting. All eye protective devices shall be identified with the name(s) of the user(s) and shall be properly stored when not in use.

4. An eye protective device that is shared shall be disinfected between uses by a method prescribed by the local school medical inspector.

5. The use of contact lenses shall be restricted in learning environments which entail exposure to chemical fumes, vapors or splashes, intense heat, molten metals, or highly particulate atmospheres. Staff members in these learning environments shall identify the students in his/her class who wear contact lenses. A list of such students shall be kept by the staff member in order that appropriate emergency eye care may be given; the list shall be destroyed at the end of the course of study.

When permitted, contact lenses may be worn only in conjunction with appropriate eye protective devices. The contact lens wearer shall be identified for appropriate emergency eye care in hazardous learning environments.

6. A student who wears prescription glasses shall be provided with an appropriate eye protective device that fits over his/her glasses. A student or staff member may wear his/her personal corrective eye wear in the course of an activity hazardous to the eyes provided that the eye wear has been certified in writing by a licensed optician to meet or exceed ANSI standards as defined in N.J.A.C. 6:29-1.7(b)1 and 2 for the appropriate eye protective device required.

7. The responsible staff member will provide each visitor to an area in which an activity hazardous to eyes is conducted with an appropriate eye protective device.

B. Eye Wash Fountains

1. Eye wash fountains or similar devices, capable of a minimum of fifteen minutes of continuous flow of eye wash solution shall be provided in accordance with Policy No. 7432 and the standards of the State Department of Education and N.J.A.C. 6:29-1.7(d).

2. Eye wash fountains shall be routinely checked by the responsible staff member and any fountain that does not operate properly shall be promptly reported to the Principal.

C. Enforcement

1. Staff members shall not permit students to engage in an activity potentially hazardous to the eyes without appropriate eye protection and shall dismiss from the class period a student who refuses or persistently neglects to wear eye protection or to observe established eye protection practices. Any such dismissed student shall be reported absent for the class.

2. Staff members shall report to the Building Principal a visitor who refuses or persistently neglects to wear eye protection or observe established eye protection practices.

3. The Principal shall annually inspect the school premises for the existence of conditions potentially hazardous to the eyes, for the placement of signs requiring appropriate eye protective devices, and for an adequate supply of appropriate eye protective devices in satisfactory condition. Conditions potentially hazardous to the eyes include, in addition to the activities listed in paragraph A1 above, the likelihood of flying objects and spilled liquids and the presence of protruding and sharp objects.

D. Training and Supplies

The school district shall provide annual training and appropriate supplies and equipment to all school personnel responsible for implementing the eye safety policies and program. The training shall include all aspects of eye protection as defined in this regulation.

R 7440 SCHOOL DISTRICT SECURITY

A. Definitions

"Access" means authorized access to a school building or school grounds through the use of a Board-approved key control system.

"Key control system" means the use of a key, card, code, or any other means to disengage a locking mechanism to provide entry to a school building or school grounds.

"Panic alarm" means a silent security system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring a response from law enforcement.

"School buildings" and "school grounds" means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. "School buildings" and "school grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; night field lights; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. "School buildings" and "school grounds" also includes other facilities such as playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.

B. Access to School Buildings and School Grounds

1. Access to school buildings and grounds during the school day will be permitted to all students enrolled in the school, all authorized school staff members, and visitors pursuant to Policy and Regulation 9150.

2. Access to school buildings and grounds before and after the school day will be permitted to:

   a. Members of the Board of Education;

b. Administrative and supervisory staff members, teaching staff members, and support staff members assigned to a school building or grounds in the performance of their duties;

c. Other school staff members in the performance of their professional responsibilities;

d. Students involved in interscholastic athletics, co-curricular or extra-curricular activities, and authorized spectators;

e. Members of organizations granted the use of school premises pursuant to Policy and Regulation 7510;

f. Police officers, fire fighters, health inspectors, and other agents of Federal, State, and local government in the performance of their official duties;

g. Members of the public present to attend a public Board of Education or public school-related function; and

h. Others authorized by the Superintendent or designee and/or by Board Policy.

3. All visitors to a school building during a school day will be required to register their presence in the school and comply with the provisions of Policy and Regulation 9150. The school's registration and sign-in procedures may include the use of a school visitor management system requiring the visitor to present acceptable identification to access the school building.

4. Signs will be conspicuously posted to inform visitors of the requirement to register their presence into the building.

C. Key Control System for Access to School Buildings and Facilities

1. School staff members will be provided access to a school building using the school's key control system as follows:

a. Teaching staff members and support staff members will be provided access using the school's key control system to the school building and to other facilities on school grounds to which they require access for the performance of their professional duties.

(1) The Building Principal will determine the school staff members who shall be provided access to facilities within the school building and on school grounds.

(2) The Superintendent or designee will determine the district administrators, supervisors, and other staff members who shall be provided access to facilities within the school building and on school grounds.

2. School staff members provided access to a school building or other facilities on school grounds shall be responsible for ensuring their key control system authorization is not shared with another individual without prior approval of the Principal or designee for school staff members, or the Superintendent or designee for district staff members. Staff members are prohibited from permitting their key control system authorization to be used by another person unless prior approval is obtained from the Principal or designee at the building level and Superintendent or designee at the district level or in the event of an emergency.

3. A staff member's loss of a key, card, or any other device authorizing the staff member access to a school building or a facility on school grounds must be immediately reported to the Principal or Superintendent or designee. The staff member who loses a key, card, or any such access device may be responsible for the replacement cost.

D. School Building Panic Alarm or Emergency Mechanisms (N.J.S.A. 18A:41-10 through 13)

1. Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation.

2. The alarm shall be directly linked to local law enforcement authorities or, in the case of a school building located in a municipality in which there is no municipal police department, a location designated by the Superintendent of the New Jersey State Police.

3. The alarm shall be capable of immediately transmitting a signal or message to such authorities outlined in D.2. above upon activation.

4. The alarm shall not be audible within the school building.

5. Each panic alarm required under N.J.S.A. 18A:41-11 and Policy and Regulation 7440 shall:

   a. Adhere to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories; and

   b. Be installed solely by a person licensed to engage in the alarm business in accordance with the provisions of N.J.S.A. 45:5A-27.

6. The school district may equip its elementary and secondary school buildings with an emergency mechanism that is an alternative to a panic alarm if the mechanism is approved by the New Jersey Department of Education.

E. Staff Member Responsibilities

1. Staff members should not bring to school valuable personal items that cannot be in the staff member's personal possession at all times. The Board of Education is not responsible for a staff member's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed.

2. In the event a staff member observes a student has a valuable item in school, the staff member will report it to the Principal or designee. A valuable item may include, but is not limited to, an unusually large amount of money, expensive jewelry or electronic equipment, or any item that is determined by the Principal or designee to be valuable to a student based on the student's age.

   a. The Principal or designee may contact the student's parent and request the parent come to school to retrieve the valuable item;

   b. The Principal or designee may secure the valuable item and return it to the student at the end of the school day and inform the student and the parent not to bring the valuable item to school in the future; or

   c. The Principal or designee will permit the student to maintain the valuable item and inform the student and the parent not to bring the valuable item to school in the future.

   d. The Board of Education is not responsible for a student's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed when in the possession of the student.

3. Teaching staff members shall close classroom windows and shut and lock classroom doors when leaving at the end of the school day; shut and lock classroom doors during the school day when the room is not going to be in use after their assignment, and report immediately to the Principal or designee any evidence of tampering or theft.

4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for persons with access.

5. Office personnel shall take all reasonable precautions to ensure the security of all school and district records and documents against unauthorized access, deterioration, and destruction.

F. School Safety Specialist

1. The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3.

2. The School Safety Specialist shall:

   a. Be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district;

   b. Ensure that these policies and procedures are in compliance with State law and regulations; and

   c. Provide the necessary training and resources to school district staff in matters relating to school safety and security.

3. The School Safety Specialist shall also serve as the school district's liaison with law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

4. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist Certification in accordance with the provisions of N.J.S.A. 18A:17-43.2.

G. Summoning Law Enforcement Authorities

1. Law enforcement authorities will be summoned promptly whenever evidence is discovered that indicates: a crime has been committed on school premises or in the course of staff or student transportation to or from school; a break and entry may have occurred on school grounds; a deadly weapon is on school premises; a breach of the peace has occurred on school premises; for any reason required in the Memorandum of Understanding between the Board of Education and Law Enforcement and in accordance with Policy and Regulation 9320; or for any other reason there is concern about the health, safety, and welfare of persons on school grounds or school property.

2. Anytime law enforcement agents are summoned in accordance with G.1. above, the Superintendent will be notified as soon as possible.

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R 7441 ELECTRONIC SURVEILLANCE IN SCHOOL BUILDINGS AND ON SCHOOL GROUNDS

In order to enhance a safe and secure environment, the Board authorizes electronic surveillance devices to be used in school district buildings and on school grounds.

A. Recording and Notice

1. Surveillance devices may include, but are not limited to, sound/video cameras, audio recording devices, and other appropriate devices.

2. Recordings may be used to monitor and observe the conduct of school district staff, students, community members, and other person(s) in school buildings or on school grounds.

3. Signage will be posted in a prominent public place in school buildings and on school grounds where electronic surveillance equipment may be used.

B. Student Records and Notice

School district personnel will comply with the provisions of applicable law regarding student record requirements including the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA). Recordings considered for retention, as a part of a student's behavioral record, will be maintained in accordance with established student record procedures governing access, review, and release of student records.

C. Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations, applicable law, and any labor agreements governing access, review, and release of employee personnel records.

2. The district will provide notice to students, parent(s), and school staff members that surveillance devices may be used in school buildings and on school grounds.

D. Storage/Security

1. All recordings will be stored by the Superintendent or designee and secured to ensure confidentiality.

2. Recordings will be retained in accordance with the New Jersey Department of the Treasury – Records Management Services – Records Retention Schedules and will be erased or discarded, unless there is a legitimate reason for retaining such recording for review, upon receiving prior authorization from Records Management Services.

E. Use

1. The determination of the location of surveillance devices shall be made by the Superintendent or designee.

2. Tampering with or otherwise interfering with surveillance equipment is prohibited. Any individual found tampering with equipment shall be subject to discipline.

F. Viewing or Listening

1. Initial viewing or listening to recordings will be done by the Building Principal or designee.

2. Requests for viewing or listening will be limited to persons with a direct interest in any proceedings, disciplinary or otherwise, resulting from the recordings, as deemed appropriate by the Building Principal or designee.

3. Only the portion of the recording concerning a specific incident will be made available for viewing.

4. Viewing or listening to the recording will be permitted on school property or as otherwise required by law.

5. All viewing will be in the presence of the Building Principal or designee.

6. A written log will be maintained by the Building Principal or designee of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, and the signature of the viewer.

7. Video recordings remain the property of the school district and may be reproduced only in accordance with law, including applicable district student records policy and procedures and district personnel records policy, procedures and applicable labor agreements.

G. Law Enforcement Memorandum of Understanding (MOU) (N.J.S.A. 18A:41-9)

1. In accordance with the provisions of N.J.S.A. 18A:41-9, if at least one school building of the school district is equipped with video surveillance equipment that is capable of streaming live video wirelessly to a remote location, the Board of Education shall enter into a MOU with local law enforcement authorities providing the authorities with the capacity to activate the equipment and view live streaming video. The MOU shall include, but need not be limited to, the following:

   a. The designation of individuals who shall be authorized to view live streaming video;

   b. The circumstances under which the designated individuals would view live streaming video; and

   c. A detailed plan for preventing and detecting unauthorized access to live streaming video.

2. In the case of a school building that is located in a municipality in which there is no municipal police department, the Board shall enter into a MOU with an entity designated by the Superintendent of the State Police.

3. In the event the district and law enforcement authority are unable to reach an agreement regarding any provision required to be included pursuant to G.1.a.-c. above, the County Prosecutor shall make the final determination.

4. Nothing in N.J.S.A. 18A:41-9 shall be construed as to require the installation of video surveillance equipment capable of streaming live video wirelessly to a remote site from a school building that is not equipped with such equipment.

H. Purchase, Maintenance, Replacement of Equipment/Supplies

1. The School Business Administrator/Board Secretary or designee will be responsible for the purchase, maintenance, and replacement of all electronic surveillance devices.

Issued: 27 August 2020

R 7510 USE OF SCHOOL FACILITIES

A. Classification of Users

Organizations and individuals using school facilities will be classified as Class I or II users as follows:

1. Class I users will be given priority for the use of school facilities over other users and may use school district facilities without payment of a use fee, but a charge for custodial and service costs for extended hours beyond normal operating hours may apply. Examples of Class I users include the following organizations and individuals:

   a. School Parent/Teacher Association;

   b. School connected groups.

2. Class II users may use school district facilities without payment of a use fee but will be charged custodial and service costs. A Class II group should include predominately Little Ferry residents and/or students. Examples of Class II users include the following organizations and individuals:

   a. Departments and agencies of the municipal government;

   b. Little Ferry youth organizations;

   c. Bergen County governmental agencies;

   d. Community organizations formed for charitable, civic, social, or educational purposes.

B. Application Procedures

1. Application must be made in writing and on the form supplied by the school district. The form is available in the office of the School Business Administrator/Board Secretary.

2. Application for use of school facilities should be submitted to the School Business Administrator/Board Secretary not less than thirty working days before the date of the requested use. A use that requires the approval of the Board should be submitted not less than thirty working days prior to a regular Board meeting and not less than thirty working days before the date of the requested use.

3. The application must be signed by an adult representative of the requesting organization, who will be considered by the Board to be the agent of the organization.

4. The application must include all the facilities that the applicant wishes to use and all the dates and times of the requested use. Approval of any application is limited to the facilities, dates, and times expressly requested on the application. Approval does not include the privilege of additional rehearsal time or the use of rooms or buildings not expressly requested.

5. The application must include all the equipment and supplies that the applicant wishes to include in the use, pursuant Policy 7520 Loan of School Equipment.

C. Approval

1. The School Business Administrator/Board Secretary will review each application and check the school calendar to determine whether the facility requested is available at the date and time requested, that is, the facility has not been scheduled

   a. For use in the instructional or co-curricular program;

   b. For maintenance, repair, or capital improvement; or

   c. For use by another organization.

2. Use of the facility will be granted in the order in which the applications are received; however, school activities shall have priority. No permit for the use of school facility will be granted to any outside group until such time as the annual school activity calendar has been established and approved. If the facility is not available for use, the School Business Administrator/Board Secretary will so inform the representative of the organization and may suggest alternative dates, times, or facilities.

3. If the facility is available for use and the applicant meets the standards of Policy 7510 Use of School Facilities and these regulations, the School Business Administrator/Board Secretary will note his/her approval on the application form and will record the classification of the applicant organization and forward the application to the School Business Administrator/Board Secretary for final approval or for referral to the Board for requests that may be approved only by the Board. The School Business Administrator/Board Secretary may refuse to grant the use of the school facility whenever in his/her judgment, there is a good reason why permission should be refused.

4. Standards for approval include the following limitations on use:

   a. School facilities are available for use only on weekdays. School facilities are not typically available for use on Saturdays, Sundays, and public holidays, and summer recess.

b. School facilities are available for use only during the hours of 3:30 p.m. and 11:00 p.m. School facilities are not available for use during the school day or for any use that may interfere with the school district's educational or extracurricular programs.

c. The use of school facilities will generally not be granted for observances or celebrations that are essentially private in nature or for meetings of small groups that can conveniently convene in private homes.

d. The use of school facilities will not be granted for the advantage of any commercial or profit-making organization or partisan political activity, or any purpose that is prohibited by law.

e. The schools shall be closed for cleaning, repairs, and maintenance from July 1 each year until the start of the academic year, during school holidays and breaks. The use of facilities shall not be granted except as specifically approved by the School Business Administrator/Board Secretary.

5. The School Business Administrator/Board Secretary will approve the classification (I and II) of the applicant organization and the fees and costs, if any, to be charged for the use of the facility. This information will be provided on the application form.

6. In the event of a conflict between requesting organizations within the same class, the request received earlier by the district will be honored first.

7. A copy of each approved or disapproved application will be distributed to the representative who signed the application form.

8. The application form may include additional rules governing the use of school facilities, and the representative's signature on the application will signify notice of any such rules and the organization's agreement to be bound by those rules.

9. The Board reserves the right to deny an application and to withdraw permission to use school facilities after approval has been granted and after the use has commenced. Permission may specifically be withdrawn from any organization whose representative has willfully made misrepresentation on the application or whose members violate the rules established for the use of school facilities. Such withdrawal of permission may constitute grounds for denying a future application made by the organization.

10. Permission to use school facilities is not transferable.

11. The organization representative must inform the School Business Administrator/Board Secretary of any canceled use request as soon as he/she is aware of the cancellation. An organization's failure to inform the School Business Administrator/Board Secretary of a canceled use at least one working day in advance of the scheduled time of the use may result in imposition of service charges.

12. Permission to use a school facility is automatically withdrawn on a day when the facility is closed for inclement weather, work stoppage, or other emergency.

13. Authorization for use of school facilities shall not be considered an endorsement of, or approval of, the activity, person, group or organization nor the purpose they represent.

14. All fees associated with the use of the facilities shall be paid in full before the date of expected use.

D. Insurance and Indemnification

1. The representative of an organization granted permission to use a school facility must assume responsibility for the orderly and careful use of the facility and must agree to assume liability for any damage or loss of property caused by the use or in the course of the use.

2. The organization and/or its representative will hold the Board of Education harmless from claims arising out of the permitted use of the school facility or during the user's occupancy. In addition, the user shall agree to save the Board harmless from liability for injury or damage to any person or property of any person who may be attending or participating in the function or activity for which permission has been granted.

3. The user shall supply an insurance certificate which names the Little Ferry Board of Education as an additional insured to the policy with the permit application. Minimum acceptable liability coverage is $1,000,000.

4. Any youth sports team organization that is granted permission to use school facilities must provide the school district proof of an insurance policy against liability for any bodily injury in the 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. The youth sports team organization must also provide a statement of compliance with the school district's Policy and Regulation 2431.4 - Prevention and Treatment of Sports-Related Concussions and Head Injuries, which will be provided to the adult representative of the requesting organization with the application to use school facilities.

   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.

E. Rules for the Use of School Facilities

1. Users of school facilities will be bound by the law:

   a. Users must comply strictly with all applicable statutes; municipal ordinances; and rules of the Board of Health, fire department, and police department regarding public assemblies.

   b. The use must not exceed the established capacity of the facility used.

   c. The use must not involve illegal gambling or games of chance.

   d. The use, possession, and/or distribution of alcohol and/or controlled dangerous substances are absolutely prohibited, in accordance with law and Board Policy.

   e. Smoking is prohibited in according to law and Board Policy 7434 Smoking in School Buildings and on School Grounds.

   f. School facilities cannot be used for any purpose prohibited by law or likely to result in rioting, disturbance of the peace, damage to property or for the purpose of defaming others.

2. Users of school facilities will respect Board property:

   a. The user will not damage, destroy, or deface school property. The facility shall be used with care and left in an orderly and neat condition. Cleanup of trash and debris is the responsibility of the user.

b. School equipment/furniture shall not be moved without authorization from the appropriate school personnel.

c. The user must request and receive permission to bring and use equipment, decorations, or materials to the school facility. No equipment, decorations, or materials may be nailed to floors, walls, windows, woodwork, curtains or fixtures or affixed to the same in any manner that defaces or damages school property or grounds. Because of the potential for hazard, no object that is powered by fuel or battery shall be brought onto the school grounds for any purpose that is primarily recreational without the express permission of the facility director. The Board of Education assumes no liability for security or damage to equipment brought into the school.

d. Any equipment, scenery, decorations, or other material brought to the school facility and any debris caused by the use or remaining after the use must be promptly removed by the user unless prior permission was granted by the School Business Administrator/Board Secretary. Any such materials left on school premises beyond the time period approved in the application will be removed by the Board at the user's expense. The Board assumes no liability for damage to or loss of materials brought to school facilities.

e. The user must request in the application and receive permission to use, move, or tune a district piano. A piano may be moved only by school district staff or by a competent and experienced commercial mover and at the expense of the user. Any piano that has been moved must be returned to its original placement with the same care and at the expense of the user in its original condition.

f. Users of the gymnasium must ensure that all participants wear soft-soled footwear to prevent damage to floors.

g. No school facility may be used for a purpose in conflict with the purpose for which the facility was designed.

h. Lighting, sound and visual aid equipment, ventilation systems, and thermostatic controls may be operated only by an employee of the district. (The cost of such operators is listed in the schedule of fees below).

i. No signs, posters, advertisements, or other displays may be placed in a school building without prior approval of the Facility Director.

j. No school keys shall be issued to a user.

k. No animal shall be allowed on school premises without prior approval.

l. An authorized school district staff member shall examine the school facilities and/or grounds after the use and will inform the user of any loss or damage that must be corrected.

m. Permission to use school facilities extends only to the facility requested. Users are not entitled to enter health offices, administrative offices, storage closets, or any other room to which permission to use has not been expressly granted. Users are not permitted to use district telephones, word processors, computers, and office equipment without prior approval.

n. No vehicles of any type shall be operated in any area that is not designed for such vehicles without prior permission.

o. The user must request in the application and receive permission to serve and consume food and/or beverages on school premises. The service and consumption of food and/or beverages is strictly limited to the area for which permission is granted. If food and/or beverages are served, the user must clean all utensils, equipment, serving dishes, and the like and restore the facility to its proper condition. The user may not consume food or beverages or use supplies purchased with public funds.

p. Anyone present on school property after dusk and before dawn without appropriate permission will be considered trespassing.

3. Uses must be properly supervised:

a. The Principal and the custodians shall be in control of the school at all times.

b. A school custodian must be on duty during the entire time a use occurs. The custodian is present for the purpose of insuring the security and proper functioning of the facility and of enforcing these regulations. The custodian is paid by the Board and may not accept gratuities from users. If the custodian is needed to perform extra services as an accommodation to the user, the user may be charged an additional fee and the custodian will be compensated accordingly by the district.

c. The use of certain school facilities (such as auditorium stage sound and lighting) require the services of school employees trained in the use of the facility. The user will be charged an additional fee and the school employee will be compensated accordingly by the district.

d. The user must assume full responsibility for the conduct of all participants in the use while they are in or about school buildings and grounds and must enforce these regulations. The user must provide an adequate number of persons to supervise participants in the activity. It is recommended that one adult be responsible for every ten youths. The district, depending on the activity, may require as a condition of approval, a certain number of chaperones, law enforcement officials, and/or a school district representative(s) to be present at the activity.

e. The user must, in consultation with the School Business Administrator/Board Secretary, anticipate the need for the assistance of police officers, fire fighters, and/or parking attendants. All such services must be arranged by the user and will be at the expense of the user. When a user refuses or fails to secure police, fire, and/or parking assistance after having been advised to do so by the School Business Administrator/Board Secretary, the School Business Administrator/Board Secretary may recommend that permission to use the facility be withdrawn.

f. Board members and school officials are entitled to full and free access to any part of the school premises during any use. No user may exclude a Board member or school official from a school facility for any reason.

F. Fee Schedule

All Little Ferry municipal, civic and school connected organizations may use school facilities. For all activities for which an admission fee is charged by the organization granted permission to use a school facility, a service fee, to be computed by the School Business Administrator/Board Secretary will be assessed on a case by case basis, but not less than the rate established below.

The following rates shall be considered the minimum charge to reimburse the Board for extra expenses incurred due to the applicant's use of the premises:

Facility Fee

Memorial School Gymnasium	$65 per hour
Washington School Gymnasium	$65 per hour
Memorial School Multi-Purpose Room	$150
Washington School Lobby and Kitchen	$100
Classrooms	$100

Fees must be paid in advance of the use of the facility.

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R 7610 VANDALISM

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. Vandalism includes arson and an act 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 that 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 his/her 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;

   e. Assessing the costs of repair and replacement of any parts of the building, furnishings, and/or equipment; and

   f. Questioning the person or persons, 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 the police if the vandalism involves:

   a. Significant damage, or

   b. Arson, or

   c. Theft or burglary, or

   d. The use of 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, or

   e. An act of graffiti.

C. Penalties and Restitution

1. A student who vandalizes school property is subject to discipline, which may include suspension or expulsion, in accordance with Policy Nos. 5600, 5610, and 5620.

2. A student who vandalizes school property will be held liable for any damages caused by the act of vandalism.

3. The parent(s) or legal guardian(s) of any minor who injures/vandalizes school property, whether or not the minor is enrolled in this district, shall be liable for damages to the amount of the injury, together with costs of suit if the Board must resort to legal process to obtain payment of damages. N.J.S.A. 18A:37-3

   a. The School Business Administrator/Board Secretary shall obtain a professional estimate of the cost of repairs and/or replacements necessitated by the vandalism.

   b. The School Business Administrator/Board Secretary shall present the student's parent(s) or legal guardian(s) with an itemized bill based on the estimated costs.

c. If, within thirty calendar days, the student's parent(s) or legal guardian(s) has not paid the bill or made arrangements with the School Business Administrator/Board Secretary for the payment of the bill in periodic installments, the Superintendent shall inform the Board and recommend that the Board Attorney commence civil action for the amount due together with costs.

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. The Principal will recommend to the Superintendent and the Superintendent will recommend to the Board, a student whose vandalism of school property is so serious or chronic as to warrant reporting the student to the police.

5. Any person who purposely defaces or damages school 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 the appropriate law enforcement agency.

6. 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.

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

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R 7650 SCHOOL VEHICLE ASSIGNMENT, USE, TRACKING, MAINTENANCE, AND ACCOUNTING

A. School Vehicle Assignment and Use

The Board of Education, upon the recommendation of the Superintendent, may authorize, at its discretion, by an affirmative vote of the Board's full membership, the lease, lease-purchase, or purchase and assignment of school district vehicles for the conduct of official school district business.

1. The vehicles may be assigned either to individuals or to units within the school district for pool use according to the following classifications:

   a. Vehicles may be assigned permanently and individually to the Superintendent, School Business Administrator/Board Secretary, the staff member serving as head of facilities services, the staff member serving as head of security services or other supervisory employees who, based on their job duties, may be called upon on a twenty-four hour, seven day-a-week basis. No individual assignment shall be made for the primary purpose of commuting.

   b. A unit may be permanently assigned one or more school district pool vehicles only if employees of the unit will collectively use the vehicle or each vehicle for more than an average of 750 miles per month on official school district business. Pool vehicles shall not be used for the purpose of commuting and shall remain at a school district facility when not in official use.

2. Board members or employees may be temporarily assigned a school district vehicle for travel events.

3. In the event the operator of a school district vehicle believes their personal health (temporary or long-term) may impair their ability to safely operate a school vehicle, the operator shall inform their immediate supervisor and the school vehicle coordinator of the health problem and the expected duration of impairment. The operator's immediate supervisor or the school vehicle coordinator may coordinate a physical examination for the staff member in accordance with Policy 3160 or 4160.

4. Smoking, as defined in Policy 7434, is prohibited on "school grounds" and therefore, in accordance with the definition of school grounds in Policy 7434, smoking is prohibited in a school district vehicle at any time.

5. Vehicle use logs shall be maintained for all individual and pool assignments in order to accurately record all usage of each vehicle, including the driver, mileage, and starting and destination points.

6. All complaints of a potential misuse shall be investigated by the school vehicle coordinator and/or appropriate administrator and appropriate disciplinary action shall be taken. Any disciplinary action shall be progressive and uniform depending on the specific misuse.

7. All changes to vehicle assignment, whether pool or individual, shall require prior written approval of the Superintendent and the authorization of an affirmative majority vote of the full Board.

8. No luxury vehicle, one which exceeds the greater of $30,000 or any current dollar limit established in IRS law or regulation, shall be purchased, lease-purchased, or leased by the school district. If a vehicle is assigned to the Superintendent, it may be a full size or intermediate, four-door sedan of the non-luxury class. All other vehicles shall be compact sedans, unless special passenger, cargo, equipment, or use requirements make the standard vehicle unsuitable for documented school district needs.

9. All damage to school district vehicles, regardless of cause, shall be reported within twenty-four hours to the school vehicle coordinator and the employee assigned to file insurance claims.

10. No physical alterations shall be made to a vehicle without prior Board approval.

11. Operators of a school district vehicle shall possess a valid driver's license to operate a vehicle in New Jersey. The school vehicle coordinator(s) shall be responsible to maintain a copy of each driver's license on file. In the event a driver's license is revoked, suspended or otherwise makes the driver unable to operate a school district vehicle in accordance with law, the driver shall immediately notify the school vehicle coordinator, who will immediately revoke the driver's authorization to operate a school district vehicle.

12. When a vehicle is due for routine maintenance in accordance with the manufacturer's schedule, the driver of an individually assigned vehicle or, in the case of a pool vehicle, the school vehicle coordinator shall be responsible for ensuring the vehicle receives the scheduled service.

13. A driver assigned a school district vehicle shall be responsible for the security of the vehicle and its contents.

14. Drivers shall be personally responsible for all fines accrued as a result of traffic violations related to operation of school district vehicles.

15. The driver, or the driver's supervisor, if the driver is incapacitated, of a school district vehicle involved in an accident resulting in damage to the school district vehicle or other vehicle shall file, within twenty-four hours of the accident, a detailed written report with the school vehicle coordinator and the school district staff member responsible for making insurance claims.

16. Police shall be immediately notified of an accident by the driver or school vehicle coordinator, if the driver is incapacitated. A copy of the police report shall be submitted to the school vehicle coordinator and the school district staff member responsible for making insurance claims as soon as possible.

17. If a school district vehicle is misused in any of the following ways, the driver's driving privileges for school district vehicles shall be suspended or revoked, and additional disciplinary action shall be taken as appropriate:

    a. Frequent violation of traffic laws;

    b. Flagrant violation of traffic laws;

    c. Operation of a vehicle which the police or insurance company determined was the cause of an accident;

    d. Use of a vehicle for unauthorized use whether personal use, business use, or commuting;

    e. Violation of these rules or school district policy governing the assignment, use, operation, repair, and/or maintenance of vehicles. This includes the failure to submit a vehicle for routine maintenance as called for in the manufacturer's routine maintenance schedule;

f. Operation of a vehicle while impaired to any degree, or under the influence of alcohol or narcotics as defined by State statutes;

g. Use of a school district vehicle by an unauthorized individual while assigned to an employee;

h. Use of a school district vehicle to transport any person or child, other than in the course of their assigned duties and responsibilities; and/or

i. Use of radar detectors in school district vehicles.

The Board shall implement a progressive and uniform mandatory disciplinary program to be applied as necessary in the event it is determined a staff member misused a school vehicle.

B. School Vehicle Inventory Control Record

The school vehicle coordinator(s) shall be responsible to maintain the following inventory control records for every school district vehicle:

1. Vehicle make, model and year;

2. Vehicle identification numbers (VIN);

3. Original purchase price;

4. Date purchased;

5. License plate number;

6. Person assigned or pool if not individually assigned;

7. Driver's license number of person assigned and the expiration date;

8. Insurer and policy number of person assigned; and

9. Usage category such as regular business, maintenance, security, or student transportation.

C. Driving Record of Operators of School District Vehicles

The school vehicle coordinator(s) shall be responsible to obtain and maintain the following driving records of operators of school district vehicles:

1. Name of driver;

2. Drivers license number and expiration date;

3. Insurer and policy number of person assigned;

4. Motor vehicle code violations;

5. Incidents of improper or non-business usage;

6. Accidents; and

7. Other relevant information.

D. Record of Maintenance, Repair and Body Work for School District Vehicles

The school vehicle coordinator(s) shall be responsible to maintain the following records of maintenance, repair and body work for each school vehicle:

1. Vehicle make, model and year;

2. Vehicle identification numbers (VIN);

3. Original purchase price;

4. Date purchased;

5. License plate number;

6. Usage category such as regular business, maintenance, security or student transportation;

7. Manufacturer's routine maintenance schedule;

8. Category of work performed (routine maintenance, repair or body work);

9. Purchase order number;

10. Date work was performed;

11. Detailed description of work performed;

12. Mileage on date work was performed; and

13. Cost of work performed.

All records maintained by the school vehicle coordinator(s) shall be maintained in the school district office of the school vehicle coordinator(s).

Adopted: 27 August 2020

R 8000 OPERATIONS

Number	Title
R 8140	Enrollment Accounting (M)
R 8220	School Closings
R 8310	Public Records
R 8320	Personnel Records (M)
R 8330	Student Records (M)
R 8420	Emergency and Non-Fire Evacuation Plan (M)
R 8420.1	Fire and Fire Drills (M)
R 8420.2	Bomb Threats (M)
R 8420.3	Natural Disasters and Man-made Catastrophes (M)
R 8420.4	Kidnapping (M)
R 8420.5	Asbestos Release (M)
R 8420.6	Accidents To and From School (M)
R 8420.7	Lockdown Procedures (M)
R 8420.10	Active Shooter (M)
R 8431	Toxic Hazard Preparedness Program
R 8441	Care of Injured and Ill Persons (M)
R 8451	Control of Communicable Disease (M)
R 8461	Reporting Violence, Vandalism, Harassment, Intimidation, Bullying, Alcohol, and Other Drug Offenses (M)
R 8462	Reporting Potentially Missing or Abused Children (M)
R 8465	Hate Crimes and Bias-Related Acts (M)
R 8467	Weapons (M)
R 8468	Crisis Response
R 8600	Student Transportation
R 8630	Emergency School Bus Procedures (M)
R 8690	Monitoring Devices on School Vehicles

R 8140 ENROLLMENT ACCOUNTING

A. School Enrollment

1. The enrollment in a class, a school, or the district shall be the total number of original entries plus the number of re-entries, less the number of transfers, withdrawals or dropouts in any such unit during a school year. The total number of original entries and re-entries, less the number of transfers, withdrawals or dropouts, in all the classes and schools of the district shall constitute the school enrollment for the school district during any school year.

2. No student attending a school operated by this district shall be enrolled in more than one school register in the school district during a school year. All students shall be enrolled as of the first day of attendance for that year.

3. No student shall be enrolled in a school register until the student has reached the following legal school age:

   a. Kindergarten - more than four years and less than six years;

   b. Day school - more than five years; or

   c. Preschool disabled - more than three years and less than five years.

4. Within ten days of the start of the school year, the district shall determine whether any re-entering student who has not attended school that year has an excused absence or has transferred, withdrawn, or dropped out of the school district.

5. Any student enrolled in a school register in a school district who moves to another school district in the same school year shall be enrolled in one register in the new school district upon entering school in that school district.

6. The average daily enrollment in the district for a school year shall be the sum of the days present and absent of all enrolled students when schools were in session during the year, divided by the number of days schools were actually in session. The average daily enrollment for the classes or schools of the district having varying lengths of terms shall be the sum of the average daily enrollments obtained for the individual classes or schools.

7. The average daily attendance in the district for a school year shall be the sum of the days present of all enrolled students when schools were in session during the year, divided by the number of days schools were actually in session. The average daily attendance for the classes or schools of the district having varying lengths of terms shall be the sum of the average daily attendance obtained for the individual classes or schools.

B. Application for State School Aid

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

1. Counting Procedure

a. Each employee responsible for the maintenance and safe keeping of a school register (and whose name appears on the cover of the register) shall conduct a count of the students entered in the register on the last school day prior to October 16.

b. The count shall include all students who have attended school since the beginning of the school year, by original entry or reentry, and shall exclude all students who have been removed from the register by transfer or dropout.

c. The count shall be recorded on a form, and the form shall be submitted to the county office no later than October 16.

2. Data Collection

a. The Superintendent shall assign responsibility for the preparation of worksheets to document the compilation of register data.

b. Completed worksheets shall be submitted to the School Business Administrator/Board Secretary who shall compare the data submitted on the worksheets to the register count submitted in accordance with B.1.a.

c. The School Business Administrator/Board Secretary shall reconcile all inconsistencies between worksheet data and register counts and submit final enrollment counts to the county office no later than required by law.

3. Application Submission

The School Business Administrator/Board Secretary shall complete the Application for State School Aid and submit the application to the Superintendent for approval.

Issued: 27 August 2020

R 8220 SCHOOL CLOSINGS

The following procedures will govern the unscheduled closing of school for the entire school day, the delayed opening of school, and the early closing of school. No single set of rules can anticipate the problems that may be encountered when schools must be closed, and Building Principals may be required to exercise independent judgment in individual circumstances. Any consequent deviation from these rules shall be approved by the Superintendent.

A. Notification Provisions

1. The Superintendent or designee shall notify media outlets and/or activate an emergency call system when a decision is made for an unscheduled closing of school for the entire school day, the delayed opening of school, or the early closing of school. The media outlets may include, but not be limited to, radio, television stations, and internet websites as listed below:

   WOR (AM 710)

   WINS (AM 1010)

   News 12 NJ

   District automated call system

   School website

2. Parent(s) will be notified at the beginning of each school year that they will be notified of an emergency school closing day by means of announcements over the media outlets listed above.

B. All Day Closing

1. The decision to close schools for the day will be made in accordance with Policy 8220. As soon as the decision is made, the Superintendent or designee will promptly notify:

   a. The media outlets identified in A.1. above;

   b. All school staff members;

   c. Private schools to which transportation is provided for district children;

d. Little Ferry Police Department;

e. Board of Education President; and

f. Any other individuals or organizations the Superintendent or designee determines the need to be notified.

2. Notwithstanding a provision in a collective bargaining agreement, if applicable, unless the Superintendent determines otherwise, school office personnel and custodial personnel are expected to report for work on an emergency closed day.

C. Delayed Opening

1. The decision to delay the opening of school will be made as soon as practicable. Notice of the delayed opening will be given in accordance with B. above.

2. Notwithstanding a provision in a collective bargaining agreement, unless the Superintendent determines otherwise, school office personnel and custodial personnel are expected to report to work on time if the opening of school is delayed.

3. If weather conditions change after a delayed opening has been announced, the Superintendent may decide to close schools for the day. This decision will be made as soon as practicable. Notice of the closing of schools for the day will be given in accordance with B.1. above.

4. The Principal of each school will modify the school's schedule to accommodate the shorter day. After-school and athletic events may be canceled.

5. Delayed opening days begin at 9:45 a.m. and follow the regular schedule for the rest of the day, including lunch.

6. Dismissal for grades one through eight will be at 3:05 p.m. and Kindergarten will be at 2:55 p.m.

D. Early Dismissal

1. The decision by the Superintendent or designee to close school early will be promptly relayed to the media outlets, school staff members, and the people or organizations listed in B.1. above.

2. Building Principals in the affected schools will promptly notify all school staff members of the early closing, using appropriate building procedures.

3. Parents may be notified of an early dismissal through an emergency call system, district or school website, a telephone communication chain, or any other method or process deemed appropriate.

4. A parent may come to the school and sign out his/her child at any time after the decision to close early has been made. Any removal of a child must be in strict accordance with Policy and Regulation 5230 regarding the person(s) to whom a child may be released.

5. The Principal may designate a safe and secure location in the school building to which may be assigned students whose parent or temporary caretaker could not be reached by telephone or other means or the student was unable to be released from school early for good reason.

    a. A teaching staff member will be assigned to supervise the students who remain in the school.

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R 8310 PUBLIC RECORDS

A. Definitions (N.J.S.A. 47:1A-1.1)

"Board" means the Little Ferry Board of Education, school staff, including members of the administration, and any persons acting on behalf of the Board of Education.

"Public agency" or "agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality, or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality, or agency created by a political subdivision or combination of political subdivisions.

"Custodian of a government record" or "custodian" is the officer officially designated by formal action of the Board of Education.

B. Government Record or Record (N.J.S.A. 47:1A-1.1)

1. Any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business of the Board of Education or that has been received in the course of his or its official business of the Board of Education.

2. A "government record" or "record" does not include inter-agency or intra-agency advisory, consultative, or deliberative material.

3. A "government record" or "record" does not include excluded information as outlined in N.J.S.A. 47:1A-1.1. The excluded information includes, but is not limited to, the following information which is deemed to be confidential as per N.J.S.A. 47:1A-1 et seq.:

   a. Victims' records, except that a victim of a crime shall have access to the victim's own records;

b. Trade secrets and proprietary commercial or financial information obtained from any source. Trade secrets shall include data processing software obtained by the district under a licensing agreement which prohibits its disclosure;

c. Any record within the attorney-client privilege. This will not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

d. Administrative or technical information regarding computer hardware, software and networks that, if disclosed, would jeopardize computer security;

e. Emergency or security information or procedures for any buildings or facility that, if disclosed, would jeopardize security of the building or facility or persons therein;

f. Security measures and surveillance techniques that, if disclosed, would create a risk to the safety of persons, property, electronic data or software;

g. Information that, if disclosed, would give an advantage to competitors or bidders;

h. Information generated by or on behalf of the Board or Board employees in connection with any sexual harassment complaint filed with the Board or with any grievance filed by or against an individual or in connection with collective negotiations, including documents and statements of strategy or negotiating position;

i. Information that is a communication between the district and its insurance carrier, administrative service organization or risk management office;

j. Information that is to be kept confidential pursuant to court order;

k. That portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of any person; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private

person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by Section 2 of P.L.1997, c. 188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or Federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor;

l. Personnel and pension records of an individual, including records relating to any grievance filed by or against an individual, except the individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, the amount and type of pension he/she receives, and data, other than detailed medical or psychological information, that shows conformity with qualifications for employment and pensions. Personnel or pension records of any individual shall be accessible when required to be disclosed by law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the United States, or when authorized by an individual in interest;

m. Test questions, scoring keys, and other examination data pertaining to the administration of an examination for employment or academic examination;

n. Information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student; and

o. All other information listed as being confidential and not a government record as defined in N.J.S.A. 47:1A-1.1.

C. Records of Investigation In Progress (N.J.S.A. 47:1A-3)

1. Notwithstanding the provisions of N.J.S.A 47:1A-1 et seq., where it appears the record or records which are sought to be inspected, copied, or examined shall pertain to an investigation in progress by the Board and/or administration:

a. The right to inspection, copying and/or examination may be denied if the inspection, copying or publication of such record or records will be inimical/detrimental to the public interest. This provision will not be construed to prohibit the Board and/or custodian from opening such record or records if not otherwise prohibited by law or to prohibit access to a record that was open for public inspection, examination, or copying before the investigation commenced; and

b. If the Board, during the course of an investigation, obtains from another public agency a government record that was open for public inspection, examination or copying before the investigation commenced, the Board will provide the other agency with sufficient access to the record to allow the other agency to comply with requests made pursuant to N.J.S.A. 47:1A-1 et seq.

2. Notwithstanding the provisions of N.J.S.A. 47:1A-1 et seq., the information concerning a criminal investigation will be available to the public in accordance with N.J.S.A. 47:1A-3.b.

D. Inspection, Examination and Copying (N.J.S.A. 47:1A-5 et seq.)

1. The custodian will permit the government record to be inspected, examined, and copied by any person during regular business hours. In the case of a Board of Education having a total district enrollment of 500 or fewer, the custodian will permit the records to be inspected, examined and copied during not less than six regular business hours over not less than three business days per week or the entity's regularly-scheduled business hours, whichever is less, unless the government record is exempt from public access as per N.J.S.A. 47:1A-5.a.

2. Prior to allowing access to any government record, the custodian will redact from that record any information which discloses the social security number, credit card number, unlisted telephone number, or driver license number of any person, except:

a. If the record is being used by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support;

b. With respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by section 2 of P.L.1997, c. 188 (C.39:2-3.4);

c. That a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or Federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor; and

d. Where an agency can demonstrate an emergent need, a regulation that limits access to government records shall not be retroactive in effect or applied to deny a request for access to a government record that is pending before the agency, the council or a court at the time of the adoption of the regulation.

E. Copy Purchase (N.J.S.A. 47:1A-5 et seq.)

1. The custodian shall charge the requestor a fee for a copy or copies of a government record in accordance with the provisions of N.J.S.A. 47:1A-5.b. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be $.05 per letter size page or smaller, and $.07 per legal size page or larger.

a. If the school district can demonstrate that its actual costs for duplication of a government record exceed the per page rates, the school district shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or overhead expenses associated with making the copy except as provided for in N.J.S.A. 47:1A-5.c. and E.2. below.

b. The calculation of actual costs shall be as follows:

(1) The custodian should contact the school district's supplier(s) to determine the cost of paper and toner. A supplier is wherever the district obtains copying materials such as paper and toner.

(2) The custodian should calculate or contact the copying company to determine the school district's annual school year copying volume. This volume shall not only include copies pertaining to OPRA requests, but shall include all copying on all copy machines in the district for all purposes.

(3) The custodian should contact the copying company to determine the average paper life of one toner/ink cartridge (i.e. how many pieces of paper the ink or toner should be able to copy).

(4) The custodian shall maintain documentation of all information provided by the copying company or office supplier (i.e. contracts or correspondence from purchasing agent or copying company) regarding this calculation.

(5) The actual calculation is the total cost of paper purchased for one school year plus the total cost of toner purchased for one school year divided by the annual copying volume. This calculation can be averaged for all copy machines in the district that produce letter and legal copies.

(6) Actual copy costs for special copies, such as color printing or blueprints copied within the school district, shall be calculated separately.

c. If the district's calculated per copy actual cost exceeds the enumerated rates set forth in N.J.S.A. 47:1A-5.b. and E.1. above, the school district, if challenged, must demonstrate its actual costs are indeed higher than those enumerated rates and are therefore justified.

d. Access to electronic records and non-printed materials shall be provided free of charge, but the district may charge for the actual costs of any needed supplies such as computer discs.

2. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this Regulation is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the district will charge, in addition to the actual cost of duplicating the record, a special service charge that will be reasonable and will be based upon the actual direct cost of providing the copy or copies. The custodian will provide the requestor an opportunity to review and object to the charge prior to it being incurred.

3. A custodian shall permit access to a government record and provide a copy thereof in the medium requested if the district maintains the record in that medium. If the district does not maintain the record in the medium requested, the custodian will either convert the record to the medium requested or provide a copy in some other meaningful medium.

4. If a request is for a record in a medium not routinely used by the district; not routinely developed or maintained by the district or requiring a substantial amount of manipulation or programming of information technology, the district will charge, in addition to the actual cost of duplication, a special charge that will be reasonable and based on the cost for any extensive use of information technology, or for the labor cost of personnel providing the service, that is actually incurred by the district or attributable to the district for the programming, clerical, and supervisory assistance required, or both.

5. Immediate access ordinarily will be granted to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information.

6. The custodian will adopt a form for the use of any person who requests access to a government record held or controlled by the public agency. The form will provide:

   a. Space for the name, address, and phone number of the requestor and a brief description of the government record sought;

   b. Space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged;

   c. Specific directions and procedures for requesting a record;

   d. A statement as to whether prepayment of fees or a deposit is required;

   e. The time period within which the school district is required by N.J.S.A. 47:1A-1 et seq. to make the record available;

   f. A statement of the requestor's right to challenge a decision to deny access and the procedure for filing an appeal;

   g. Space for the custodian to list reasons if a request is denied in whole or in part;

h. Space for the requestor to sign and date the form; and

i. Space for the custodian to sign and date the form if the request is fulfilled or denied.

7. The custodian will require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information thus requested will cost in excess of $5.00 to reproduce.

8. Request for access to a government record shall be in writing and hand-delivered or mailed to the custodian.

9. The custodian will promptly comply with a request to inspect, examine, copy, or provide a copy of a government record.

10. If the custodian is unable to comply with a request for access, the custodian will indicate the specific basis therefore on the request form and promptly return it to the requestor.

11. The custodian will sign and date the form and provide the requestor with a copy thereof.

12. If the custodian asserts that part of a particular record is exempt from public access pursuant to N.J.S.A. 47:1A-1 et seq. the custodian will delete or excise from a copy of the record that portion which the custodian asserts is exempt from access and shall promptly permit access to the remainder of the record.

13. If the government record requested is temporarily unavailable because it is in use or in storage, the custodian will advise the requestor and will make arrangements to promptly make available a copy of the record.

14. If a request for access to a government record would substantially disrupt school district operations, the custodian may deny access to the record after attempting to reach a reasonable solution with the requestor that accommodates the interests of the requestor and the district.

15. Any officer or employee of the district who receives a request for access to a government record will forward the request to the custodian of the record or direct the requestor to the custodian of the record.

16. Unless a shorter time period is otherwise provided by statute, regulation, or executive order, the custodian will grant access to a government record or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request, provided that the record is currently available and not in storage or archived.

    a. In the event the custodian fails to respond within seven business days after receiving a request, the failure to respond will be deemed a denial of the request, unless the requestor has elected not to provide a name, address or telephone number, or other means of contacting the requestor.

    b. If the requestor has elected not to provide a name, address, or telephone number, or other means of contacting the requestor, the custodian will not be required to respond until the requestor reappears before the custodian seeking a response to the original request.

    c. If the government record is in storage or archived, the requestor will be so advised within seven business days after the custodian receives the request. The requestor will be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.

17. A custodian will post prominently in public view in the part or parts of the office or offices of the custodian that are open to or frequented by the public a statement that sets forth in clear, concise and specific terms the right to appeal a denial of, or failure to provide, access to a government record by any person for inspection, examination, or copying or for purchase of copies thereof and the procedure by which an appeal may be filed.

F. Challenge to Access Upon Denial (N.J.S.A. 47:1A-6)

1. A person who is denied access to a government record by the custodian, at the option of the requestor, may:

    a. Institute a proceeding to challenge the custodian's decision by filing an action in Superior Court; or

    b. In lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to section 8 of P.L.2001, c. 404 (C.47:1A-7).

2. The right to institute any proceeding under N.J.S.A. 47:1A-6 will be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The Board will have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

G. Government Records Council (N.J.S.A. 47:1A-7)

The Board and the custodian of records will comply with the requirements and guidelines from the Government Records Council in accordance with N.J.S.A. 47:1A-7.

H. Common Right Law Right of Access (N.J.S.A. 47:1A-8)

Nothing contained in N.J.S.A. 47:1A-1 et seq. shall be construed as limiting the common law right of access to a government record, including criminal investigative records of a law enforcement agency.

I. Construction with Other Laws (N.J.S.A. 47-1A-9 et seq.)

1. The provisions of this Regulation and N.J.S.A. 47:1A-1 et seq. shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to N.J.S.A. 47:1A-1 et seq.; any other statute; resolution of either or both Houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any Federal law; Federal regulation; or Federal order.

2. The provisions of this Regulation and N.J.S.A. 47:1A-1 et seq. shall not abrogate or erode any executive or legislative privilege or grant of confidentiality heretofore established or recognized by the Constitution of this State, statute, court rule or judicial case law, which privilege or grant of confidentiality may duly be claimed to restrict public access to a public record or government record.

Issued: 27 August 2020

R 8320 PERSONNEL RECORDS

A. Content of Record

1. A personnel file shall be assembled and maintained for each person employed by this district. Each file shall contain the original or copies, as appropriate, of the following documents regarding the employee:

   a. The employee's current correct name, address, telephone number, and birthdate;

   b. Application form, including transcripts of all academic work, records of prior military service, and other supporting documents;

   c. Annual employment contract and/or annual salary notice, signed by the employee;

   d. Certificates and/or licenses required for employment;

   e. Documentation of fulfillment of requirements for any change in salary classification;

   f. Income tax forms;

   g. Retirement registration;

   h. Hospitalization forms;

   i. Annuity forms;

   j. Rate of compensation;

   k. Attendance record, including the starting and ending dates of all leaves of absence, whether the leave was paid or unpaid, and the purpose for which such leaves were granted;

   l. Assignment to positions, including position title and building to which assigned;

m. Completed evaluations;

n. Reports of disciplinary incidents;

o. Records of special awards, commendations, or distinctions;

p. Oath of allegiance;

q. Reports of routine physical examinations; and

r. Reports of physical and mental examinations required for cause.

2. No information will be placed in an employees' file that does not pertain to the employee's position in this district and the performance of the employee's duties.

3. The content of personnel files will be reviewed annually and material no longer required will be destroyed.

B. Custodian of Personnel Records

1. The Superintendent is custodian of all personnel records.

2. Personnel records shall be maintained in the office of the Board, and where the records manager responsible for the day-to-day maintenance of the files and for supervising access to the files will be located.

C. Notice of Content of Files

1. Each employee shall be informed of the content of his/her personnel file.

2. Each employee will be notified of the inclusion in his/her file of any document that was not received from the employee or at the direction of the employee.

a. No evaluation form will be placed in a personnel file until it has been reviewed and signed by the employee.

b. No copy of a memorandum or letter sent by an administrator or other school official to an employee will be placed in the employee's file unless the original and copy include the notation "cc: Personnel File" or other clear indication of the author's intention to place the memorandum or letter in the employee's file.

c. No report or letter or memorandum from any source, other than documents referred to in paragraph C2b above, may be placed in an employee's file until a copy of the same has been delivered to the employee.

D. Employee Access to Personnel Records

1. Each employee shall be granted access to his/her personnel file in accordance with these regulations, except as may have been negotiated with the employee's majority representative.

2. Written request for access shall be submitted to the Superintendent. Except in unusual circumstances, access shall be granted only during the regular working hours of the office in which the file is kept.

3. The employee shall review the record in the presence of the Superintendent and, at the employee's request, a representative of the employee.

4. No alteration or addition or deletion may be made to the file, except that the employee may append to any document in the file his/her comment on that document.

5. The employee may hand copy any portion of his/her file and may receive photocopies of records on payment of the copying fees established for copies of public records.

E. Appeal of Content of the File

1. The employee may appeal to the Superintendent the exclusion or inclusion of any portion of his/her personnel file or the accuracy of any information in the file.

2. An appeal must be made in writing on a form available in the office of the Superintendent.

3. The Superintendent shall render a decision on the appeal as soon as possible, but not later than thirty working days from the time the written appeal is submitted. The Superintendent's decision shall be in writing and shall be delivered to the employee and the records manager responsible for the employee's file.

4. Except as may be otherwise provided by contract negotiated with the employee's majority representative, the appellant may appeal the Superintendent's decision to the Board; a decision of the Board may be appealed to the Commissioner of Education.

F. Access by Board Members and School Officials

1. Personnel files may be inspected by school officials only as required in the discharge of their professional or statutory duties and to the extent required in the discharge of those duties.

2. Personnel files may be inspected by Board members when such inspection relates to the Superintendent's recommendation of a candidate for employment, promotion, transfer, dismissal, or discipline.

3. Much of the information included in an employee's file is confidential; access to the employee's file for professional reasons necessarily imposes on the person reviewing the file the duty to respect the confidentiality of the record.

G. Public Access to Employee Records and Information

1. A Board of Education and private agencies that provide educational services by means of public funds shall make employee records and information available for public access, pursuant to N.J.S.A. 47:1A-10, the Open Public Records Act, but in accordance with N.J.S.A. 18A:6-120(d) and 121.(d) in accordance with N.J.A.C. 6A:32-4.3 and as outlined in this Regulation.

2. In accordance with the provisions of N.J.S.A. 47:1A-10, notwithstanding the provisions of N.J.S.A. 47:1A-1 et seq. or any other law to the contrary, the personnel or pension records of any individual in the possession of a public agency, including but not limited to, records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:

   a. An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore, and the amount and type of any pension received shall be a government record;

   b. Personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by the State of New Jersey or the United States, or when authorized by an individual in interest; and

c. Data contained in information which disclose conformity with specific experiential, educational, or medical qualification required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record.

3. Information related to the evaluation of a particular employee shall be maintained by the school district, be confidential, and not be accessible to the public pursuant to N.J.S.A. 47:1A-1 et seq., as amended and supplemented, in accordance with N.J.S.A. 18A:6-120.d and 18A:6-121.d.

Adopted: 27 August 2020

R 8330 STUDENT RECORDS

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

1. "Access" means the right to view, make notes, and/or reproduce a student record.

2. "Adult student" means a person who is at least eighteen years of age, or is attending an institution of postsecondary education, or is an emancipated minor.

3. "Mandated student records" means student records that school districts compile pursuant to State statute, regulation, or authorized administrative directive.

4. "Parent" means the natural or adoptive parent, legal guardian, surrogate appointed according to N.J.A.C. 6A:14-2.2, or a person acting in place of a parent (such as a grandparent or stepparent with whom the student lives or a person legally responsible for the student's welfare). Unless parental rights have been terminated by a court of appropriate jurisdiction, the parent retains all rights under N.J.A.C. 6A:32. In addition, a foster parent may act as a parent under the provisions of N.J.A.C. 6A:32 if the parent's authority to make educational decisions on the student's behalf has been terminated by a court of appropriate jurisdiction.

5. "Permitted student records" means records that the Board of Education has authorized, by resolution adopted at a regular public meeting, to be collected to promote the educational welfare of students.

6. "Student record" means information related to an individual student gathered within or outside the school district and maintained within the school district regardless of the physical form in which it is maintained. Essential in this definition is the idea that any information that is maintained for the purpose of second-party review is considered a student record. Therefore, information recorded by certified school personnel solely as a memory aid and not for the use of a second party is excluded from this definition.

7. "Student information directory" means a publication of the Board of Education that includes information relating to a student. It shall be used only by authorized school district personnel and for designated official use by judicial, law enforcement, and medical personnel and not for general public consumption. The information shall be the student's: name; grade level; date and place of birth; dates of attendance; major field of study; participation in officially recognized activities; weight and height relating to athletic team membership; degrees; awards; the most recent educational agency attended by the student; and other similar information.

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

1. The Board of Education shall compile and maintain student records and regulate access, disclosure, or communication of information contained in educational records in a manner that assures the security of such records in accordance with the provisions of N.J.A.C. 6A:32-7.1. et seq.

2. Student records shall contain only such information as is relevant to the education of the student and is objectively based on the personal observations or knowledge of the certified school personnel who originate(s) the record.

3. The school district shall provide annual, written notification to parents, adult students, and emancipated minors of their rights in regard to student records and student participation in educational, occupational, and military recruitment programs. Copies of the applicable State and Federal laws and local policies shall be made available upon request. The school district shall make every effort to notify parents and adult students in their dominant language.

4. A non-adult student may assert rights of access only through his or her parents. However, nothing in N.J.A.C. 6A:32-7 et seq. or in Policy or Regulation 8330 shall be construed to prohibit certified school personnel from disclosing at their discretion student records to non-adult students or to appropriate persons in connection with an emergency, if such knowledge is necessary to protect the health or safety of the student or other persons.

5. The parent or adult student shall have access to their own records and have access to or be specifically informed about only that portion of another student's record that contains information about his or her own child or himself or herself.

6. The Superintendent or designee shall require all permitted student records of currently enrolled students to be reviewed annually by certified school personnel to determine the education relevance of the material contained therein. The reviewer shall cause data no longer descriptive of the student or educational program to be deleted from the records except that prior notice shall be given for classified students in accordance with N.J.A.C. 6A:14, Special Education. Such information shall be disposed of and not be recorded elsewhere. No record of any such deletion shall be made.

7. No liability shall be attached to any member, officer, or employee of the Board of Education permitting access or furnishing student records in accordance with N.J.A.C. 6A:32-7.1 et seq.

8. When the parent's or adult student's dominant language is not English or the parent or adult student is deaf, the school district shall provide interpretation of the student records in the dominant language of the parents or adult student.

9. Student health records shall be maintained separately from other student records and handled, according to the requirements of N.J.A.C. 6A:32-7.1 et seq., until such time as graduation or termination, whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

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

1. The Board of Education shall compile and maintain a school contact directory for official use that is separate and distinct from the student information directory.

a. School personnel shall provide information from the school contact directory for official use only to judicial and law enforcement personnel, and to medical personnel currently providing services to the student in question.

b. Upon request from a court, other judicial agency, law enforcement agency, or medical service provider currently providing services to the student in question, school personnel shall promptly verify the enrollment of a student and provide the requester with all information about that student that is contained in the school contact directory for official use.

2. To exclude any information from the school contact directory for official use, the parent, adult student, or emancipated minor shall notify the Superintendent or designee in writing.

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

1. Mandated student records shall include the following:

a. The student's name, address, telephone number, date of birth, name of parent(s), gender, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance;

b. Record of daily attendance;

c. Descriptions of student progress according to the system of student evaluation used in the school district;

d. History and status of physical health compiled in accordance with State regulations, including results of any physical examinations given by qualified school district employees and immunizations;

e. Records pursuant to rules and regulations regarding the education of students with disabilities; and

f. All other records required by N.J.A.C. 6A.

2. Permitted student records are those student records not mandated pursuant to N.J.A.C. 6A:32-7.3, but authorized by the Board to promote the student's educational welfare and include the following as authorized by this Board upon adoption of Policy and Regulation 8330. These records may include, but are not limited to:

a. Personally authenticated observations, assessments, ratings, and anecdotal reports recorded by teaching staff members in the performance of their professional responsibilities and intended for review by another person, provided the record is dated and signed by the originator. Information recorded solely as a memory aid for the originator becomes a student's record when it is reviewed by any other person, including a substitute;

b. Information, scores, and results obtained from standardized tests or by approved tests conducted by professional personnel;

c. Educationally relevant information provided by the parent, adult student, or emancipated minor regarding the student's achievements or school activities;

d. Any correspondence with the student and/or the student's parents;

e. Driver education certificate;

f. Emergency notification form;

g. New student registration form;

h. Withdrawal or transfer form;

i. Change of schedule form;

j. Records of disciplinary infractions, penalties, and disciplinary hearings;

k. Records of the student's co-curricular and athletic activities and achievements;

l. Class rank;

m. Awards and honors;

n. Notations of additional records maintained in a separate file;

o. The statement from a student's parent, adult student, or emancipated minor regarding a contested portion of the record; and

p. Entries indicating review of the file by an authorized person.

E. Maintenance and Security of Student Records (N.J.A.C. 6A:32-7.4)

1. The Superintendent or designee shall be responsible for the security of student records maintained in the school district and shall devise procedures/regulations for assuring that access to such records is limited to authorized persons. Policy and Regulation 8330 assures that access to such records is limited to authorized persons.

2. Records for each individual student may be stored either electronically or in paper format. When student records are stored electronically, proper security and backup procedures shall be administered.

3. Student health records, whether stored on paper or electronically, shall be maintained separately from other student records, until such time as graduation or termination whereupon the health history and immunization record shall be removed from the student's health record and placed in the student's mandated record.

4. Records shall be accessible during the hours in which the school program is in operation.

5. Mandated student records required as part of programs established through State-administered entitlement or discretionary funds from the U.S. Department of Education shall be maintained for a period of five years after graduation, termination from the school district, or age twenty-three, whichever is longer, and shall be disposed of in accordance with N.J.S.A. 47:3-15 et seq.

6. Any district website shall not disclose any personally identifiable information about a student, in accordance with N.J.S.A. 18A:36-35.

F. Access to Student Records (N.J.A.C. 6A:32-7.5)

1. Only authorized organizations, agencies, or persons as defined in N.J.A.C. 6A:32-7.5 shall have access to student records, including student health records. Access to student records shall be provided to persons authorized such access under N.J.A.C. 6A:32-7.1 et seq. within ten days of a request, but prior to any review or hearing conducted in accordance with N.J.A.C. 6A.

2. The school district shall control access to, disclosure of, and communication regarding information contained in student health records to assure access only to people permitted by Federal and State statute and regulations or stated in N.J.A.C. 6A:32-7.5(e) and section G. below.

3. The school district may charge a reasonable fee for reproduction of student records, not to exceed the schedule of costs set forth in N.J.S.A. 47:1A-5, provided that the cost does not effectively prevent the parents or adult students from exercising their rights under N.J.A.C. 6A:32-7 or other Federal and State rules and regulations regarding students with disabilities, including N.J.A.C. 6A:14.

4. Access to and disclosure of a student health record shall meet the requirements of the Family Education Rights and Privacy Act, 34 C.F.R. Part 99 (FERPA).

G. Authorized Organizations, Agencies, and Persons with Access to Student Records (N.J.A.C. 6A:32-7.5(e))

Access shall include only the following:

1. A student who has the written permission of a parent and the parent of a student under the age of eighteen whether the child resides with the parent except per N.J.S.A. 9:2-4:

   a. The place of residence shall not be disclosed; and

   b. Access shall not be provided if denied by a court.

2. Students at least sixteen years of age who are terminating their education in the school district because they will graduate secondary school at the end of the term or no longer plan to continue their education;

3. An adult student and parent who has the written permission of an adult student, except that the parent shall have access without consent of the student as long as the student is financially dependent on the parent and enrolled in the public school system or if the student has been declared legally incompetent by a court of appropriate jurisdiction. The parent of the financially dependent adult student may not disclose information contained in the adult student's record to a second or third party without the consent of the adult student;

4. Certified school district personnel who are assigned educational responsibility for the student shall have access to the general student record but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4;

5. Certified educational personnel who have assigned educational responsibility for the student and who are employed by agencies listed below shall have access to the general student record, but not to the student health record except under conditions permitted in N.J.A.C. 6A:16-2.4:

   a. An approved private school for the disabled;

   b. A State facility;

   c. Accredited nonpublic schools in which students with educational disabilities have been placed according to N.J.S.A. 18A:46-14; or

   d. Clinics and agencies approved by the Department of Education.

6. To fulfill its legal responsibility, the Board of Education shall have access through the Superintendent or designee to information contained in a student's record. Information shall be discussed in executive session unless otherwise requested by the parent or adult student;

7. Secretarial and clerical personnel under the direct supervision of certified school personnel shall be permitted access to portions of the record to the extent necessary for the entry and recording of data and the conducting of routine clerical tasks. Access shall be limited only to student files in which such staff are directed to enter or record information, and shall cease when the specific assigned task is completed;

8. Accrediting organizations in order to carry out their accrediting functions;

9. The Commissioner of Education and New Jersey Department of Education staff members who are assigned responsibility that necessitates the review of such records;

10. Officials of other district Boards of Education within the State of New Jersey or other educational agencies or institutions where the student is placed, registered, or seeks to enroll subject to the following conditions:

    a. Original mandated student records that schools have been directed to compile by New Jersey statute, regulation, or authorized administrative directive shall be forwarded to the receiving school district with written notification to the parent or adult student;

    b. Original mandated student records that a Board of Education has required shall be forwarded to the receiving school district only with the written consent of the parent or adult student, except where a formal sending-receiving relationship exists between the school districts;

    c. All records to be forwarded, including disciplinary records as specified in N.J.S.A. 18A:36-19(a), shall be sent to the Superintendent or designee of the school district to which the student has transferred within ten school days after the transfer has been verified by the requesting school district;

    d. The Superintendent or designee shall request in writing all student records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district;

    e. Upon request, the Superintendent or designee of the school district of last attendance shall provide a parent(s) or an adult student with a copy of the records disclosed to other educational agencies or institutions; and

    f. Proper identification, such as a certified copy of the student's birth certificate or other proof of the child's identity pursuant to N.J.S.A. 18A:36-25.1, shall be requested at the time of enrollment in a new school district.

11. Officials of the United States Department of Education assigned responsibilities that necessitate review of such records;

12. Officers and employees of a State agency responsible for protective and investigative services for students referred to that agency, pursuant to N.J.S.A. 9:6-8.40. Wherever appropriate, the Board of Education shall ask the State agency for its cooperation in sharing the findings of an investigation;

13. Agency caseworkers or other representatives of a State or local child welfare agency who have the right to access a student's case plan when the agency or organization is legally responsible, in accordance with State law, for the care and protection of the student, consistent with 20 U.S.C. § 1232g(b)(1)(L);

14. Organizations, agencies, and persons from outside the school if they have the written consent of the parent or adult student. Organizations, agencies, and persons shall not transfer student record information to a third party without the written consent of the parent or adult student;

15. Organizations, agencies, and individuals outside the school, other than those specified in N.J.A.C. 6A:32-7.5, upon the presentation of a court order;

16. Bona fide researchers who explain to the Superintendent the nature of the research project and the relevance of the records sought. Researchers shall also satisfy the Superintendent or designee that the records will be used under strict conditions of anonymity and confidentiality. Such assurance shall be received in writing by the Superintendent prior to the release of information to the researcher;

17. Nothing in N.J.A.C. 6A:32-7.1 et seq. and Policy and Regulation 8330 shall be construed to prohibit school personnel from disclosing information contained in the student health record to students or adults in connection with an emergency, if such knowledge is necessary to protect the immediate health or safety of the student or other persons; and

18. In complying with N.J.A.C. 6A:32-7.1 et seq., individuals shall adhere to requirements pursuant to N.J.S.A. 47:1A-1 et seq. - the Open Public Records Act (OPRA) and 20 U.S.C. § 1232g, 34 CFR Part 99 - the Family Educational Rights and Privacy Act (FERPA).

H. Conditions for Access to Student Records (N.J.A.C. 6A:32-7.6)

All authorized organizations, agencies, and persons defined in N.J.A.C. 6A:32-7.1 et seq. as listed below shall have access to the records of a student, subject to the following conditions:

1. No student record shall be altered or disposed of during the time period between a request to review the record and the actual review of the record.

2. Authorized organizations, agencies, and persons from outside the school whose access requires the consent of parents or adult students shall submit to the Superintendent or designee the request in writing together with any required authorization.

3. The Superintendent or designee shall be present during the period of inspection to provide interpretation of the records where necessary and to prevent their alteration, damage, or loss. In every instance of inspection of student records by persons other than parents, student, or individuals who have assigned educational responsibility for the individual student, an entry shall be made in the student's record of the name(s) of persons granted access, the reason access was granted, the time and circumstances of inspection, the records studied, and the purposes for which the data will be used.

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

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

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

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

1. Student records are subject to challenge by parents and adult students on grounds of inaccuracy, irrelevancy, impermissive disclosure, inclusion of improper information, or denial of access to organizations, agencies, and persons. The parent or adult student may seek to: expunge inaccurate, irrelevant, or otherwise improper information from the student record; insert additional data as well as reasonable comments as to the meaning and/or accuracy of the records; and/or request an immediate stay of disclosure pending final determination of the challenge procedure as described in N.J.A.C. 6A:32-7.

2. To request a change in the record or to request a stay of disclosure pending final determination of the challenged procedure, the process shall be as follows:

   a. A parent or adult student shall notify in writing the Superintendent of the specific issues relating to the student record.

   b. Within ten school days of notification, the Superintendent or designee shall notify the parent or adult student of the school district's decision.

   c. If the school district disagrees with the request, the Superintendent or designee shall meet with the parent or adult student to resolve the issues set forth in the appeal.

   d. If the matter is not satisfactorily resolved, the parent or adult student has ten school days to appeal this decision to the Board of Education.

   e. If an appeal is made to the Board of Education, a decision shall be rendered within twenty school days. The decision of the Board of Education may be appealed to the Commissioner pursuant to N.J.S.A. 18A:6-9 and N.J.A.C. 6A:3, Controversies and Disputes.

   f. At all stages of the appeal process, the parent or adult student shall be afforded a full and fair opportunity to present evidence relevant to the issue. A record of the appeal proceedings and outcome shall be made a part of the student's record with copies made available to the parent or adult student.

3. Appeals relating to student records of students with disabilities shall be processed in accordance with the requirements of I.2. above.

4. Regardless of the outcome of any appeal, a parent or adult student shall be permitted to place in the student record a statement commenting upon the information in the student record or setting forth any reasons for disagreement with the decision made in the appeal.

    a. Such statements shall be maintained as part of the student record as long as the contested portion of the record is maintained. If the contested portion of the record is disclosed to any party, the statement commenting upon the information shall also be disclosed to that party.

J. Retention and Disposal of Student Records (N.J.A.C. 6A:32-7.8)

1. A student's record is considered to be incomplete and not subject to the provisions of the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq., while the student is enrolled in the school district.

    a. The school district shall retain the student health record and the health history and immunization record according to the School District Records Retention Schedule, as determined by the New Jersey State Records Committee.

2. Student records of currently enrolled students, other than the records that must be maintained for one hundred years as described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of after the information is no longer necessary to provide educational services to a student.

    a. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted or after reasonable attempts of such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful.

3. Upon graduation or permanent departure of a student from the school district:

    a. The parent or adult student shall be notified in writing that a copy of the entire student record will be provided to them upon request.

    b. Information in student records, other than that described in N.J.A.C. 6A:32-7.8(e) and 5. below, may be disposed of, but only in accordance with the Destruction of Public Records Law, N.J.S.A. 47:3-15 et seq.

c. Such disposition shall be accomplished only after written parental or adult student notification and written parental or adult student permission has been granted, or after reasonable attempts at such notification and reasonable attempts to secure parental or adult student permission have been unsuccessful and prior written authorization has been obtained from the New Jersey State Records Committee in the New Jersey Department of State.

4. No additions shall be made to the record after graduation or permanent departure without the prior written consent of the parent or adult student.

5. The New Jersey public school district of last enrollment, graduation, or permanent departure of the student from the school district shall keep for one hundred years a mandated record of a student's name, date of birth, name of parents, gender, health history and immunization, standardized assessment results, grades, attendance, classes attended, grade level completed, year completed, and years of attendance.

R 8420 EMERGENCY AND NON-FIRE EVACUATION PLAN

The need for orderly and safe evacuation during certain situations is critical to the safety of the occupants of a school building. If such a threat is deemed immediate, credible, and reasonable, the Principal or designee may order a non-fire building evacuation. In the event the Principal or designee believes a threat does not exist or immediate evacuation is not required, the Principal or designee shall review the situation with the Superintendent, who may consult with local law enforcement officials to review the threat risk.

A. Procedures in the Event it is Determined a Non-Fire Evacuation is Warranted

1. The Principal or designee will immediately order a non-fire evacuation of the school building. The notification process may be the school's fire alarm system, a notice over the school's public address system, or any other method deemed appropriate by the Principal or designee to inform building occupants to evacuate the school building. The evacuation may be an entire or partial building evacuation depending on the circumstances.

2. The Principal or designee will:

   a. Immediately call local law enforcement officials;

   b. Immediately call the Superintendent;

   c. Ensure any school buses enroute to the school or other vehicles entering the school grounds are redirected to a designated alternative location pending further instructions from law enforcement officials;

   d. Notify and maintain contact with the Superintendent regarding the communication to be released to parents, community and media; and

   e. Allow local enforcement officials to control the scene upon their arrival.

3. School staff members, upon receiving notice by the fire alarm system or evacuation order through the public address system that the school needs to be evacuated, will:

   a. Direct students to gather personal belongings in the classroom or within their immediate area;

   b. Instruct students not to use any electronic communication device until instructed otherwise;

c. Close the windows and doors of their vacated rooms and turn off any light or electrical switch;

d. Take the student roll and attendance books;

e. Lead their class or the students under their supervision upon receiving the evacuation notice to the evacuation area;

f. Take attendance when arriving at the evacuation area and report any additional students or missing students to the Principal or designee;

g. Not allow any student to re-enter the building, leave the evacuation area, or be dismissed from school unless authorized by the Principal or designee or law enforcement officials; and

h. Not speak to the media or permit media to interview any student.

B. Procedures After it is Determined the School Building Can be Reoccupied

1. The Principal or designee, upon a determination by school and law enforcement officials that the threat or risk is concluded, will direct the reoccupation of the building.

2. If it is determined the building is not safe to re-enter, the Principal or designee will notify school officials of the situation at the evacuation assembly locations. If it is determined students will be released for the day, the Principal or designee, in consultation with the Superintendent, will coordinate student dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.

3. The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 27 August 2020

R 8420.1 FIRE AND FIRE DRILLS

A. Fire Drills

1. The Principal of each school building will conduct at least one fire drill each month within school hours, including any summer months during which the school is open for instructional programs. Attempts should be made to conduct drills in various weather conditions and at various times of the school day. Fire drills should always be unannounced to school staff and students. The Principal shall inform local fire fighting officials whenever a fire alarm is for drill purposes.

2. Fire alarm shall be by a building designated signal and will be a single continuous blast from the fire horn. Alarm signals should be tested regularly, before or after the school session.

3. When the fire alarm rings, each teacher will:

   a. Direct students to form into a single file line and proceed along the evacuation route to the nearest exit designated for evacuation and if needed, direct students to crawl through smoke filled areas;

   b. Close the windows of the room and turn off all lights and audio-visual equipment;

   c. Take the class register or roll book;

   d. Ascertain that all students have left the room and that any student who may have left the classroom prior to the fire drill is located and escorted from the building;

   e. Close all doors to the room when the room is empty and keep all doors and exits of their respective rooms and buildings unlocked during the school hours, except during an emergency lockdown or an emergency lockdown drill;

   f. Ensure the students assigned to him/her have left the school along the route prescribed in the school evacuation plan. In the event a school building has been provided with fire escapes, they shall be used by a part or all of the students performing every fire drill;

g. Direct his/her students to a location not less than a distance twice the height of the building walls and keep the students in a single file line facing the building;

h. Take attendance to determine all students who reported to his/her class have been evacuated from the building and report immediately to the Principal any student who is unaccounted for; and

i. When the recall signal is given, conduct his/her students back to the classroom.

4. Evacuation of the school in a fire drill must be conducted quickly and quietly and in an orderly fashion. Students must be silent, refrain from talking and running, and remain in closed, single file lines. Any student or staff member whose behavior disrupts the conduct of the fire drill shall be reported to the Principal and will be subject to discipline.

5. All persons in the school must leave the building during a fire drill, including all aides, visitors, volunteer workers, and all office, cafeteria, custodial, and maintenance employees, except those employees who have been assigned specific duties to be performed in the school building during a fire drill.

6. Physical education classes in progress outside the building should stop the game activity and line up in place or in their regularly assigned drill position.

7. Students will be instructed not to gather belongings to take outside on the fire drill. In inclement or cold weather, students may pick up their coats and put them on as they exit the building, provided no time is lost in that activity.

8. The office employee responsible for keeping the central attendance register, or a designated substitute, must carry the register out of the building during the drill.

9. Each Principal shall report monthly to the Superintendent on the conduct of fire drills. His/Her report will include the date, weather conditions, and time to evacuate for each drill conducted, as well as any comments that could assist in improving the conduct of future drills.

10. Every fire drill will be conducted with seriousness and with the assumption that prompt evacuation is actually required for the safety and survival of persons in the school.

11. Principals are encouraged to change the circumstances of fire drills so that staff members and students are subjected to various conditions and learn to respond to them quickly, constructively, and safely. Any such variations should take into account the ages and abilities of children.

    a. One or more exits may be designated as "blocked" so that students are required to use alternative evacuation routes.

    b. A fire drill may be designated as a "smoke drill" so that students learn to avoid the hazards of smoke by walking in a low or crouching position (not a crawling position).

B. Fire

1. A school staff member or any building occupant who detects a fire in a school building or on school grounds shall immediately report the fire by calling 911 and/or by activating a fire alarm pull station in accordance with law.

2. The school staff member or building occupant shall also report the fire to the school Principal, if possible.

3. In the event of a fire in a school building, the school Principal shall immediately sound the fire alarm, in the event the fire alarm had not been previously activated, for the evacuation of all students, staff members, visitors, and volunteers.

4. Evacuation shall be conducted in accordance with the fire drill procedures established in paragraph A, except that no employee may remain in the building to perform specific duties.

5. As a precaution, the Principal or designee will maintain a record of disabled students who may require special attention in the event of fire or other evacuation.

   Fire fighters will be promptly informed of the location and special circumstances of each such student.

6. As soon as practicable after the incident, the Principal shall submit a report to the Superintendent on the appropriate form.

Adopted: 27 August 2020

R 8420.2 BOMB THREATS

A bomb threat consists of a message regardless of the source or form or truth of the message, that someone has placed or intends to place in the school an explosive device or any material that will cause significant harm to persons in the school or damage to school property. The bomb threat message may be a telephone call, written, e-mailed, rumored, graffiti or any other communication method.

A. Procedures When a Bomb Threat is Received

1. A bomb threat received by any school employee will be immediately relayed to the Principal or designee.

2. A written bomb threat should be placed in a folder or a folded paper and should be handled as little as possible.

3. If possible, a telephoned bomb threat should be transferred to the Principal or designee.

   a. The Principal or other person who talks to the caller will attempt to keep the caller on the line as long as possible to enhance the chance to identify the telephone caller.

   b. The person talking to the caller should attempt to obtain, by direct questioning and by listening to background clues, and record in writing as much information as possible about:

      (1) The alleged bomb (e.g., its nature, size, specific location, what will cause detonation, detonation time);

      (2) The caller (e.g., name, address, location, gender, age, background, motive);

      (3) The identity of the person who placed the bomb, if the caller denies responsibility;

      (4) The means by which the bomb was delivered to the site;

      (5) The caller's voice (e.g., calm, angry, excited, slow, rapid, loud, slurred, distinct, familiarity); and

      (6) Background sounds (e.g. street noises, music, office or factory machinery, animal noises, voices).

B. Procedures to be Used After a Bomb Threat is Received

1. The Principal or designee will immediately call:

   a. The Police Department/local law enforcement;

   b. The Fire Department; and

   c. The Superintendent's office.

2. If the Principal or designee determines there is reasonable cause to believe an explosive device is present and an immediate evacuation is warranted, the Principal or designee will order the immediate evacuation of the school building. The evacuation will be conducted as follows:

   a. The fire drill alarm may include a building designated code to indicate that a bomb threat has been received;

   b. If the Principal or designee determines that time permits, students will empty their lockers and leave them unlocked; and

   c. School staff members and students will be evacuated to a waiting place at least 1000 feet from the school building and behind cover or to a predetermined area outside the school building.

3. If the Principal or designee determines an immediate evacuation is not warranted the building will not be immediately evacuated until law enforcement officials arrive on the scene and are provided control of the bomb threat situation.

4. The Principal or designee will also:

   a. Prohibit the use of any electronic communication devices to include, but not be limited to cellular telephones and walkie-talkies;

   b. Ensure any school buses enroute to the school or other vehicles entering the school grounds are redirected to a designated alternative location pending further instructions from law enforcement officials;

   c. Notify and maintain contact with the Superintendent regarding the communication to be released to parents, community and media; and

   d. Allow law enforcement officials to control the scene upon their arrival.

5. School staff members, upon receiving notice the school is being evacuated for a bomb threat, will:

   a. Direct students to gather personal belongings in the classroom or within their immediate area;

   b. Instruct students to not use any electronic communication device until instructed otherwise;

   c. Conduct a quick visual survey of their classrooms for any suspicious or unfamiliar objects and report such to the Principal or designee;

   d. Leave the windows and doors of their vacated rooms open and do not turn on or turn off any light or electrical switch;

   e. Take the student roster and the day's attendance;

   f. Lead their class or the students under their supervision upon receiving the evacuation notice to the evacuation area;

   g. Take attendance when arriving at the evacuation area and report any additional students or missing students to the Principal or designee;

   h. Not allow any student to re-enter the building, leave the evacuation area, or be dismissed from school unless authorized by the Principal or designee or law enforcement officials; and

   i. Not speak to the media or permit media to interview any student.

6. If law enforcement officials determine the building can be re-entered, the Principal or designee will order the building to be re-entered. The regular instructional program will be resumed as quickly as possible. If the bomb threat disruption has occurred late in the school day, the Principal may recommend to the Superintendent that the school be closed and students dismissed.

7. In the event an explosive device is found in the school building or on school grounds threatening the safety of staff and students, the Principal or designee will:

   a. Work with law enforcement officials to ensure the continued safety of students and staff;

b. Notify school officials at the evacuation assembly locations of the situation that students will be released for the day; and

c. In consultation with the Superintendent and law enforcement officials, will coordinate student dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.

8. The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.

9. All bomb threat procedures will be conducted with seriousness and dispatch. It is the intention of these regulations that the school community be protected against harm without conferring notoriety on the person who threatens harm.

10. In the event an explosion occurs while the building is evacuated, the Principal or designee, in consultation with the Superintendent and law enforcement officials, will coordinate student dismissal procedures from the evacuation assembly areas and family notification and reunification protocols.

11. The Principal will submit to the Superintendent a written report of each bomb threat received, the steps taken in response, and the outcome of the threat.

These procedures are recommended for implementation in the event a bomb threat is received. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if it is determined modification is needed to best protect the building's occupants.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 27 August 2020

R 8420.3 NATURAL DISASTERS AND MAN-MADE CATASTROPHES

A. Definitions

1. "Natural disasters" include floods, hurricanes, earthquakes, lightning strikes.

2. "Man-made catastrophes" include explosions, toxic hazards, airplane accidents, nuclear accidents, attacks.

B. Procedures

1. The Principal of each school building is responsible for responding quickly and reasonably to all natural disasters and man-made catastrophes. The Principal's primarily goal in any emergency is the protection of the students and staff members assigned to his/her building.

2. The Principal shall cooperate with local law enforcement officers, civil defense agencies, and other appropriate authorities.

3. All reasonable efforts will be made to predict or anticipate the occurrence of a natural disaster or manmade catastrophe and to take such steps in advance as may be necessary to protect students and staff and, if possible, school property.

4. Any school employee who detects or suspects a natural disaster or man-made catastrophe shall immediately notify the Principal, who shall immediately evaluate and/or verify the report. The Principal shall report an impending disaster or catastrophe to the Superintendent and the appropriate police or civil authority.

5. If necessary and prudent, the school will be evacuated in accordance with the fire drills procedures set forth in Regulation No. 8420.1. The alarm for a disaster or catastrophe will be a building designated signal.

6. Until their students are sent home or they are otherwise excused from their duties, classroom teachers will attend to the needs of the students assigned to them. Other teaching staff members and support staff members will report to the Principal or their immediate supervisor for direction. The following personnel should be prepared to take the actions indicated at the direction of the Principal.

a. The school nurse will set up a station for the treatment of injuries and caring for injured and shocked persons until transportation to hospital facilities is available.

b. The head custodian will survey the damage, if any, done to essential school building services, such as electrical, gas, water, and fuel. He/She will report any such damage to the Principal along with any recommendations for repair or substitution.

c. The cafeteria manager will assess food and water inventories and establish procedures for supplying such food and water as may be required by persons in the school or the school shelter.

7. If the school cannot or should not be re-entered, parents will be notified and students will be sent home as follows:

   a. Students who ordinarily walk to school will be excused,

   b. Students who ride school buses will be excused as soon as bus transportation is available,

   c. The Principal may arrange for private vehicle transportation.

8. Students who cannot be sent home safely shall be sheltered in a safe place in the school or in the place designated for out-of-school shelter in the school evacuation plan. A teaching staff member will be assigned to supervise any such students until they can be transferred to the parent or responsible adult designated by the parent.

9. Parent(s) or legal guardian(s) will be informed of the school's response to the disaster or catastrophe by implementation of the parent call chain established pursuant to Regulation No. 8420. Reasonable efforts will be made to inform parent(s) or legal guardian(s) promptly of the nature of the emergency and to assure them of their children's safety.

10. The Principal, other administrators, and all school staff members will strive to discharge their responsibilities calmly, intelligently, and prudently.

11. The Principal will make a written report to the Superintendent on the nature of the emergency, the actions taken in response to the emergency, and the outcome of those actions. The report will detail, as necessary, the actions of specific staff members and make such recommendations for commendation or discipline as may be appropriate.

Adopted: 27 August 2020

R 8420.4 KIDNAPPING

A. Definition

1. A person is a victim of kidnapping:

a. When a person is unlawfully removed from the school or school grounds; or

b. When a person is unlawfully confined with the purpose of holding the victim for ransom, reward, as a shield, or hostage; or

c. When a person is unlawfully removed from the school or school grounds or a substantial distance from where he or she is found in school or on school grounds; or

d. When a person is unlawfully confined for a substantial period of time with any of the following purposes:

(1) To facilitate commission of a crime or flight thereafter, or

(2) To inflict bodily injury on or terrorize the victim.

B. Procedures

1. The following procedures shall be implemented in the event there is reason to believe a student has been kidnapped. The Building Principal or designee will:

a. Immediately notify the Superintendent;

b. Check school records to determine whether there is a legal custody issue;

c. Contact the student's parent(s) or legal guardian(s); and

d. Notify the local law enforcement agency.

The Building Principal or designee will be prepared to provide law enforcement authorities information about the student (to the extent possible) including: a physical description of the student; any photograph of the student; information regarding known friends of the student; the names of any potential witnesses to an abduction; a description of an abductor; and other information that may be helpful to law enforcement in locating the student.

2. The Building Principal or designee will alert school staff to the possible kidnapping and solicit staff assistance in obtaining information that may be helpful to law enforcement in locating the student.

3. The administrative staff will encourage all staff members remain calm to prevent panic.

Adopted: 27 August 2020

R 8420.5 ASBESTOS RELEASE

The Board of Education recognizes certain buildings in the school district may contain asbestos. The Board and school staff members have implemented the necessary safety measures to eliminate the possibility of asbestos fiber release episodes to ensure the safety of all building occupants. The district maintains an Asbestos Management Plan as required by the Asbestos Hazard Emergency Response Act (AHERA). The following procedures shall be implemented in the event of an inadvertent disturbance that causes an asbestos fiber release episode in a school district building.

Procedures

1. The area where the fiber release may have occurred shall be immediately evacuated;

2. The building's heating, ventilating, and air conditioning system shall be shut down;

3. The area where the fiber release may have occurred shall be sealed off and doors shall be closed;

4. The Superintendent and building maintenance supervisor shall be immediately contacted;

5. The names of all persons who were in the area where the fiber release may have occurred shall be recorded and maintained in separate file;

6. The Building Principal or designee shall communicate to the parents/legal guardians of students, staff, and other occupants of the building as necessary; and

7. The school district shall take such action as necessary depending on whether asbestos fibers were released.

Adopted: 27 August 2020

R 8420.6 ACCIDENTS TO AND FROM SCHOOL

The Board of Education recognizes that school staff and/or school students may be involved in an accident on their way to or on their way home from school. The school district or school building, depending on the circumstances, will follow these procedures, when practical, in the event there is an accident involving a school staff member or student who is on their way to or on their way home from school.

Procedures

1. The person receiving notice of an accident shall immediately contact police, fire, or rescue department as appropriate. In the event the person receiving notice of such accident is a student, the student shall immediately notify the Building Principal or designee. In the event the person receiving notice is a school staff member, the staff member shall notify the Building Principal or designee, or their immediate supervisor after contacting police, fire, or rescue department as appropriate.
2. The Building Principal or designee, or the immediate supervisor, shall immediately contact the Superintendent.
3. The Building Principal or designee, or the immediate supervisor, shall notify the parent(s) or legal guardian(s), spouse, or individual identified on the emergency card as appropriate.
4. In the event the police, fire, or rescue department is aware of the accident when the district is notified of the accident, the Building Principal or designee, or the immediate supervisor shall continue to attempt to notify the parent(s) or legal guardian(s), spouse or individual identified on the emergency card as appropriate.
    a. If the parent(s) or legal guardian(s), spouse or individual identified on the emergency card, is unavailable, the Building Principal or designee, or the immediate supervisor shall discuss the situation, as appropriate, with an associate at the place of employment of the parent(s) or legal guardian(s), spouse, or emergency contact.
    b. If contacts are unsuccessful, the Building Principal or designee, or the immediate supervisor will attempt to contact relatives, neighbors, or faith-based institutions, as appropriate.
5. The school district may send a staff member to the scene of the accident, if appropriate.

Adopted: 27 August 2020

R 8420.7 LOCKDOWN PROCEDURES

In the event it is determined by the Principal or designee a circumstance or situation requires the school building's occupants to remain secure within the school building, the Principal or designee may implement lockdown procedures. The following procedures shall be enacted during a lockdown which shall begin with notification to the building's occupants that all occupants should commence lockdown procedures. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation.

A. Procedures in the Event it is Determined a Lockdown is Warranted

1. The Principal and/or designee will immediately:

   a. Inform the Superintendent;

   b. Contact local law enforcement;

   c. Deactivate fire alarm pull stations without disengaging the fire sensors, if feasible, until law enforcement officials arrive on scene; and

   d. Deactivate school bell systems, if feasible, until law enforcement officials arrive on scene.

2. The Principal and/or designee will also:

   a. Communicate to any staff outside the building to stop pedestrians and vehicles, including school buses, from entering the school grounds;

   b. Assign a staff member in the main office to maintain communication with classrooms and monitor status and, if needed, designate a staff member to meet and brief local law enforcement upon their arrival;

   c. Determine, in consultation and with the approval of the Superintendent, the most appropriate means to communicate information to be released to parents, community, and media; and

   d. Will allow local law enforcement officials to control the scene upon their arrival.

3. School staff members, upon receiving notice by the public address system that the school needs to be in a lockdown situation, will:

   a. Turn off all lights, close blinds/shades and turn off electronic equipment;

   b. Instruct students to be absolutely quiet and discourage the individual use of cellular telephones;

   c. Instruct classroom occupants to get on the floor in a sitting or crouching position and direct students away from doors and windows wherever possible;

   d. Close and lock doors and windows from inside the room, if possible;

   e. Secure all staff, students and visitors, including those from hallways, behind locked doors, restrooms, gymnasiums, and other non-classroom areas without risking their own safety or the safety of others already secure;

   f. Not permit anyone to leave a secured room or area until notified by the Principal or designee or law enforcement officials; and

   g. Ignore bells or alarms unless otherwise notified by the Principal or designee or law enforcement officials;

   h. Teachers will place color cards which will be in the classroom window to aid in assessing medical emergencies.

4. Any school staff member not supervising students at the time of the lockdown notification should go to the nearest classroom or secure area to assist other staff members with students. These staff members should ensure any students in hallways and other unsecured and open areas are taken to the nearest classroom and/or secured area.

5. Teachers shall take student attendance for the students within their secured area and report any additional students in the room and any missing students.

6. Office personnel should remain in the general office areas or any other area that can be secured from the inside. All office doors shall be locked and secured to prevent entrance by an outside intruder.

7. The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.

8. Lockdown Procedures for Those in Exposed Areas - Physical education classes using outside facilities shall, under the direction of the teacher, report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe these students may be at risk re-entering the building, the students may be directed to another secure location off school grounds and/or away from the building.

B. Procedures After Lockdown Situation is Brought Under Control

1. After the lockdown situation has been brought under control, the Principal or designee or law enforcement officials will communicate to building occupants the lockdown situation has ended by announcing "all clear".

2. Evacuation of the building after the lockdown situation has been declared under control shall be under the direction of the Principal or designee and law enforcement officials.

3. The Principal or designee, in consultation and with the approval of the Superintendent, will coordinate family reuniting procedures.

4. The school district will provide school district staff and other school district crisis response team members to provide counseling and support as needed.

5. The Principal or designee will debrief with local law enforcement and all other agencies involved in the school lockdown situation.

These lockdown procedures are recommended for implementation in the event it is determined a lockdown is needed. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if he/she determines modification is needed to best protect the building's occupants.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 27 August 2020

R 8420.10 ACTIVE SHOOTER

An active shooter or armed assault in a school building or on school grounds involves one or more individuals' intent on causing physical harm to students and school staff. Intruders may possess weapons or other harmful devices. In an active shooter situation, one or more subjects who are believed to be armed has used or threatened to use a weapon to inflict serious bodily injury to another person and/or continues to do so while having unrestricted access to additional victims, their actions have demonstrated their intent to continuously harm others, and their overriding objective appears to be that of mass injury.

A. Procedures in the Event of an Active Shooter in the School or on School Grounds

1. If the Principal or designee determines there is an active shooter in the school or on school grounds he/she will immediately:

   a. Order a lockdown of the school building. The notification may be a public address announcement or may be a discreet notification depending on the circumstance or situation;

   b. Contact local law enforcement;

   c. Inform the Superintendent;

   d. Deactivate fire alarm pull stations without disengaging the fire sensors, if feasible, until law enforcement officials arrive on scene;

   e. Deactivate school bell systems, if feasible, until law enforcement officials arrive on scene; and

   f. Direct staff and students outside the building, if the active shooter is believed to be in the building, to move immediately to a predetermined evacuation assembly location and be prepared to evacuate the school site, if necessary.

2. The Principal and/or designee will also:

   a. Communicate to any staff outside the building to stop pedestrians and vehicles, including school buses, from entering the school grounds;

b. Assign a staff member in the main office to maintain communication with classrooms and monitor status and, if needed, designate a staff member to meet and brief local law enforcement upon their arrival;

c. Determine, in consultation and with the approval of the Superintendent, the most appropriate means to communicate information to be released to parents, community, and media; and

d. Will allow local law enforcement officials to control the scene upon their arrival.

3. School staff members, upon receiving notice there may be an intruder or active shooter in the school building or on school grounds, will:

a. If not already confirmed, upon first indication of an intruder or armed intruder will immediately notify the Principal or designee;

b. Turn off all lights, close blinds/shades, and turn off electronic equipment;

c. Instruct students to be absolutely quiet and not to use any individual electronic communication device;

d. Instruct classroom occupants to get on the floor in a sitting or crouching position and direct students away from doors and windows wherever possible;

e. Close and lock doors and windows from inside the room, if possible;

f. Secure all staff, students, and visitors, including those in the hallways, behind locked doors, restrooms, gymnasiums, and other non-classroom building areas without risking their own safety or the safety of others already secure;

g. Not permit anyone to leave a secured room or area until notified by the Principal or designee or law enforcement officials; and

h. Ignore bells or alarms unless otherwise notified by the Principal or designee or law enforcement officials.

4. Any school staff member not supervising students at the time of the lockdown notification should go to the nearest classroom or secure area to assist other staff members with students. These staff members should ensure any person in hallways and other unsecured and open areas are taken to the nearest classroom and/or secured area.

5. Teachers shall take student attendance for the students within their secured area and report any additional students in the room and any missing students.

6. Office personnel should remain in the general office areas or any other area that can be secured. All office doors shall be locked and secured to prevent entrance by an outside intruder.

7. The building's occupants should remain in lockdown condition until an announcement indicating the lockdown is over.

8. Physical education classes using outside facilities, under the direction and supervision of the teacher, shall report to the nearest school entrance and upon entering the building locate to a secure classroom or location within the building. If there is reason to believe students outside the school building may be at risk re-entering the building, the students may be directed to another secure location off school grounds and/or away from the building.

9. The school may establish a predetermined code word or procedure for a staff member to communicate with the school office or administrative staff in the event an intruder enters a classroom or other secured area.

10. The Principal or designee may establish with local law enforcement officials a notification procedure in the event an active shooter or intruder is believed to be in the school building. The notification procedure would alert law enforcement officials if a classroom or other secured area is safe and secure or if emergency assistance is needed. The procedure may be a color card system placing colored cards inside or outside doors or windows or any other procedure agreed to by the Principal and local law enforcement.

B. Procedures After Active Shooter Situation is Brought Under Control

1. After the active shooter situation has been brought under control, the Principal or designee or law enforcement officials will communicate to building occupants the active shooter situation has ended.

2. Evacuation of the building after the active shooter situation has been declared under control shall be under the direction of the Principal or designee and law enforcement officials.

3. The Principal or designee, in consultation and with the approval of the Superintendent, will coordinate family reunification procedures.

4. The school district will provide school district staff and other crisis response team members to provide counseling and support as needed.

5. The Principal or designee will debrief with local law enforcement and all other agencies involved in the active shooter situation.

6. The Superintendent, in consultation with the Principal and law enforcement officials, will determine when school can resume normal activities and will communicate this information to staff, parents, and the community.

These active shooter procedures are recommended for implementation in the event it is determined an active shooter may be in a school building or on school grounds. However, based on the circumstance or situation, the Principal or designee or law enforcement officials may modify these procedures if he/she determines modification is needed to best protect the building's occupants.

Critical Incident Response Procedures for School Administrators, Faculty and Staff – The New Jersey Office of Homeland Security and Preparedness and the New Jersey Department of Education - 2010

Adopted: 27 August 2020

R 8431 TOXIC HAZARD PREPAREDNESS PROGRAM

The following procedures are established to guide the Toxic Catastrophe Preparedness Officer in the implementation of Policy No. 8431.

1. The Toxic Hazard Preparedness (THP) Officer should obtain municipal tax maps of the area within the survey zone and mark on the maps the location of each facility that is potentially dangerous: chemical plants, waste treatment plants, industrial plants, dumps, storage yards, hazardous waste disposal sites, and so forth.

2. The THP Officer should contact county health departments and the fire and police departments in municipalities within the survey zone to determine which, if any, have completed a plan for emergency response to industrial accidents.

3. The THP Officer should contact the county health department and local fire and police departments and solicit their cooperation in determining the facilities that may pose a danger to one or more district schools.

4. The THP officer may obtain information regarding compliance with the Worker and Community Right to Know Act by calling 609-984-3219. Information regarding compliance with the Toxic Catastrophe Prevention Act may be obtained by calling the project office at 609-984-3641. A copy of a facility's environmental survey may be requested by written request to:

   New Jersey Department of
   Environmental Protection
   401 East State Street
   Trenton, New Jersey 08625

5. The THP Officer should visit each of the facilities identified and attempt to enlist the aid of the plant manager. Without suggesting that the plant is mismanaged or a threat to the community, the THP officer should seek the plant manager's cooperation in:

   a. Notifying immediately the district central office and, if appropriate, the Principal of one or more schools in the event of an accident that might adversely affect students and staff members;

   b. Suggesting appropriate measures to be taken in response to an accident;

c. Suggesting appropriate emergency equipment and supplies that should be kept on hand in the school nurse's office for use in the event of an industrial accident; and

d. Training the district nursing staff in coping with the consequences of exposure to a hazardous substance.

6. The THP Officer shall request local fire and police officers to notify school officials immediately in the event of an industrial accident known to them which might adversely affect students and school staff members. The THP Officer shall also request the aid of fire and police officers as circumstances dictate.

7. The THP Officer will assist the Superintendent in planning and implementing an in-service program to train school district employees in recognizing a toxic condition and responding properly to the hazard.

R 8441 CARE OF INJURED AND ILL PERSONS

A. Injuries and/or Illness Requiring Immediate Attention

These regulations apply when a student, staff member, visitor, or other person on school grounds or during a school-sponsored event, activity, or field trip is injured or becomes suddenly ill. A school staff member shall take charge under these circumstances until the school nurse or another medical professional arrives on the scene.

1. The injury or illness shall be reported immediately to the school nurse or, in the absence of the school nurse, to the Principal or designee.

2. If it is evident the illness or injury is serious and immediate medical attention may be required, emergency medical assistance shall be immediately summoned by a telephone call to 911.

3. The injured or ill person shall be examined for any obvious injuries or health problems.

4. The injured or ill person shall be checked for the presence of a necklace or bracelet that identifies a particular medical problem.

5. The injured or ill person shall not be moved, except as may be necessary to remove the person from a dangerous environment.

6. The injured or ill person should be made as comfortable as possible, without moving him/her.

7. No food or liquid should be given to the injured or ill person except on the orders of the school nurse or another medical professional.

8. The injured or ill person shall be informed when emergency medical assistance has been contacted.

B. Emergency First Aid Procedures

1. The school nurse or other medical professional will administer emergency first aid to an injured student, staff member, or visitor.

2. In the event the school nurse or other medical professional is not available or before the school nurse or other medical professional arrives, the school staff member or other adult in charge may administer basic first aid to the injured or ill person until the school nurse or other trained medical professional arrives.

   a. The school nurse will develop, in consultation with the school physician, basic emergency first aid procedures in the event a school staff member may be in the position to provide emergency first aid to an injured or ill person until the school nurse or other medical professional arrives on the scene.

   b. The school nurse will make such basic emergency first aid procedures available to school staff members.

Adopted: 27 August 2020

R 8451 CONTROL OF COMMUNICABLE DISEASE

A. Detection of Communicable Diseases

1. Teachers will be trained to detect communicable diseases in students by recognizing the symptoms of disease.

2. In general, a student who shows one or more of the following symptoms should be sent to the school nurse for evaluation and/or treatment:

   a. Pain, generalized or specific,

   b. Chills,

   c. Fever,

   d. Earache,

   e. Vomiting,

   f. Sore throat,

   g. Enlarged glands,

   h. Skin eruption,

   i. Running nose, or

   j. Red and discharging eyes.

3. A student who shows symptoms of any of the following communicable diseases should be sent promptly to the school nurse for evaluation.

   a. Chicken pox: Small reddish, itchy eruptions on the skin resembling pimples or blisters, which later fill with fluid and form crusts; slight fever.

   b. German measles (rubella): A common cold followed by a light red rash on face and body; small beady lumps behind ears; slight fever.

c. Measles (rubeola): Cold, runny nose, watery and light-sensitive eyes, fever, followed by bluish-white specks (Koplik spots) on inside of mouth, red blotchy rash, and dry cough.

d. Mumps: Tenderness and swelling of the salivary glands below and a little in front of the ear; fever.

e. Streptococcal infections (including scarlet fever, sore throat, and erysipelas): Sudden onset of fever, sore throat, strawberry tongue, followed by bright red rash on body, usually on the inner arm and thigh.

f. Whooping cough (pertussis): A common cold, with irritating cough, followed by repeated series of violent coughs without inhaling, often with respiratory whoops. Cough may end with vomiting.

g. Fifth disease (erythema infectiosum): Fine rash that is most apparent on the cheeks and later spreads to arms and legs, low grade fever.

h. Pink eye (conjunctivitis): Redness of white areas of eyes, accompanied by some itching; eyes may discharge pus and be light sensitive.

i. Head lice (pediculosis): Itching scalp, presence of lice and nits at hair roots.

j. Impetigo (staphylococcus infection): Lesions.

k. Meningitis-meningococcal: Severe headache, chills, vomiting, convulsions, fever, stiff neck, pain in neck.

l. Hepatitis infectious: Fever, anorexia, nausea, malaise, abdominal discomfort, followed by jaundice.

4. Any person who is ill or infected with any disease below and as outlined in N.J.A.C. 8:57-1.3 or any communicable disease, whether confirmed or presumed will be reported immediately by the school Principal to the County Health Officer or to the New Jersey Department of Health if the County Health Officer is not available. Such telephone report will be followed up by a written report or electronic report within twenty-four hours of the initial report. The diseases to be immediately reported are:

a. Botulism (Clostridium);

b. Diphtheria (Corynebacterium diphtheriae);

c. Haemophilus influenzae, invasive disease;

d. Hepatitis A, institutional settings;

e. Measles;

f. Meningoccal disease (Neisseria menengitidis);

g. Pertussis (whooping cough, bordetella pertussis);

h. Plague (Yersinia pestis);

i. Poliomyelitis;

j. Rabies (human illness);

k. Rubella;

l. Viral hemorrhagic fevers, including, but not limited to, Ebola Lassa, and Marburg viruses;

m. Foodborne intoxications, including, but not limited to, mushroom poisoning;

n. Any foodborne, waterborne, nosocomial, outbreak or suspected outbreak or any outbreak or suspected outbreak of unknown origin;

o. Any other disease included in N.J.A.C. 8:57-1.3.

B. Exclusion From School

1. A student who exhibits any of the symptoms described in A2 or whose condition suggests the presence of a communicable disease as described in A3 or A4 will be sent to the school nurse's office. The teacher will ensure that the student is accompanied by an adult or a responsible student.

2. The teacher will communicate to the school nurse, directly or by written note, the reason for which the student is sent for medical assessment.

3. The school nurse will examine the student and, in consultation with the school medical inspector if the student's condition so indicates, recommend to the Principal the student's exclusion from school for medical reasons.

4. In the event neither the school nurse or the school medical inspector is available to be consulted about the student's condition, the Principal may determine to exclude the student from school.

5. The parent, adult family member, or other responsible adult designated by the parent will be promptly notified by telephone of the students' exclusion and requested to come to school to fetch the student. Until the adult arrives to remove the student, the student will be kept in an isolated location in the school and will be made as comfortable as possible. The student will be supervised at all times by a school staff member.

C. Readmission to School

1. A student who has been excluded from school or retained at home by reason of having or being suspected of having a communicable disease shall not be readmitted to school until the student presents written evidence that he/she is free of communicable disease.

2. Evidence that a student is free of communicable disease will consist of the certification of the school medical inspector or another qualified physician who has personally examined the student.

   No student who has had a communicable disease will be readmitted to school until a physician's certificate indicating the symptoms of the disease have ceased has been provided to the Principal or designee or the school nurse.

D. Reports

1. The school nurse will file such reports as may be required by the New Jersey State Department of Health and in the reporting of communicable diseases in schools.

2. When the rate of school absenteeism is in excess of fifteen percent, the school nurse shall report the absenteeism to the local and/or the County Board of Health.

3. The teacher may, with the advice and consent of the Principal and the school nurse, inform the parent(s) or legal guardian(s) of students in his/her class that a student in the class has contracted a communicable disease. The information given to parents or legal guardians may include the specific symptoms of the disease and parent(s) or legal guardian(s) may be encouraged to consult their personal physicians for inoculations that may prevent the disease or ease the symptoms of the disease.

Adopted: 27 August 2020

R 8461 REPORTING VIOLENCE, VANDALISM, HARASSMENT, INTIMIDATION, BULLYING, ALCOHOL, AND OTHER DRUG OFFENSES

Any school employee who observes or has direct knowledge from a participant or victim of an act of violence; including harassment, intimidation, and bullying; vandalism; or the possession or distribution of alcohol or other drugs on school grounds, and any school employee who reports a student for being under the influence of alcohol or other drugs, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3, shall file a report describing the incident to the school Principal, in accordance with N.J.S.A. 18A:17-46. The report shall be on a form to include all of the incident detail and offender and victim information that are reported on the Student Safety Data System (SSDS). A report alleging an incident of harassment, intimidation, or bullying shall be made in accordance with the provisions of N.J.S.A. 18A:37-13.1 and Policy 5512.

A. Reporting Violence; Including Harassment, Intimidation, and Bullying; Vandalism; and Alcohol and Other Drug Offenses

1. For each incident report of violence; including harassment, intimidation, and bullying; vandalism; and alcohol and other drug offenses, the Principal shall:

   a. Review the incident report for accuracy in indicating the incident type, offender information, victim information, student demographics, and incident location;

   b. Forward a copy of the incident report to the Superintendent; and

   c. Notify the Superintendent of the action taken regarding the incident.

2. The Board shall not discharge or subject to any manner of discrimination any school employee who files a report pursuant to N.J.A.C. 6A:16-5.3.

3. The majority representative of the school employees' bargaining units shall have access monthly to the number and disposition of all reported acts of school violence, vandalism, harassment, intimidation, or bullying pursuant to N.J.S.A. 18A:17-46.

   a. Personally identifying information may be provided to the majority representative of the school employees' bargaining units only in instances when school administrators have reason to believe that the safety of a school staff member is at risk.

B. Reporting Requirements

1. The Superintendent shall:

a. Submit a report to the New Jersey Department of Education in accordance with the provisions of N.J.S.A. 18A:17-46 of each incident of violence, including harassment, intimidation, and bullying, vandalism and alcohol and other drug offenses in the school district utilizing the SSDS;

(1) The reports shall be submitted twice each school year, once for all incidents occurring between September 1 and January 1 and once for all incidents occurring between January 1 and June 30, and shall include, at a minimum, all information pursuant to N.J.S.A. 18A:17-46;

(2) Prior to submission, the Superintendent shall verify the accuracy of the reported information;

(3) The grade regarding the harassment, intimidation, and bullying efforts of each school and each school district shall be posted on the homepage of the school district's website, in accordance with the guidelines promulgated by the Commissioner of Education pursuant to N.J.S.A. 18A:17-46.

b. Provide for annual training of staff to prepare them to fulfill the reporting requirements set forth in N.J.A.C. 6A:16-5.3.

C. Hearing Requirements

The Superintendent shall report to the Board all acts of violence, including, harassment, intimidation, and bullying, vandalism, and alcohol and other drug offenses that occurred during the previous reporting period, in accordance with the provisions of N.J.S.A. 18A:17-46.

D. Knowingly Falsifying the Annual Report on Violence and Vandalism Required Under N.J.S.A. 18A:17-46

1. Whenever it is alleged a school employee has knowingly falsified reported information on acts of violence or vandalism, or any incident included in the annual report on violence and vandalism, the Board shall make a determination regarding whether the employee committed the act.

2. Any employee alleged to have knowingly falsified reported information shall be notified in writing of such allegation and shall be entitled to a hearing before the Board.

3. Upon a determination by the Board that an employee has knowingly falsified reported information, the Board shall take appropriate disciplinary action.

The Board of Education shall submit and implement corrective action plans for high incidences of violence, vandalism, or alcohol or other drug abuse upon notification by the Commissioner of Education.

Issued: 27 August 2020

R 8462 REPORTING POTENTIALLY MISSING OR ABUSED CHILDREN

A. Definitions

1. An "abused child" as defined in N.J.S.A. 9:6-8.9, is a child under the age of eighteen years whose parent, guardian, or other person having his/her custody and control:

   a. Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;

   b. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;

   c. Commits or allows to be committed an act of sexual abuse against the child;

   d. Or a child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent, guardian, or other person having his/her custody and control, to exercise a minimum degree of care: (1) in supplying the child with adequate food, clothing, shelter, education, medical, or surgical care though financially able to do so or though offered financial or other reasonable means to do so; or (2) in providing the child the proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment or using excessive physical restraint under circumstances which do not indicate that the child's behavior is harmful to himself/herself, others or property, or by any other act of similarly serious nature requiring the aid of the court;

   e. Or a child who has been willfully abandoned by his/her parent, guardian, or other person having his/her custody and control; or

f. Or a child who is in an institution as defined under N.J.S.A. 9:6-8.21 and: (1) has been so placed inappropriately for a continued period of time with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being; or (2) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

A child shall not be considered abused under N.J.S.A. 9:6-8.9 if the acts or omissions described therein occur in a day school as defined in N.J.S.A. 9:6-8.21.

2. An "intern" means a post-secondary student or graduate student in a professional field gaining supervised practical experience.

B. Indications of Child Abuse and/or Neglect

1. The suspicion of child abuse and/or neglect may be based on the complaints of the child or on the direct observations of the employee, volunteer, or intern. A person should suspect child abuse and/or neglect when certain conditions appear to be present. The conditions may be, but are not limited to, whenever:

a. There is evidence of physical injury to a student not likely to have been caused by an accident, regardless of the student's explanation of the injury;

b. A student complains of having been injured or having been sexually molested, with or without external signs of physical injury;

c. A student appears to be malnourished;

d. A student's general condition indicates a persistent want of care, such as clothing inadequate for the weather, inadequate hygiene, lack of sleep, decayed and broken teeth, and the like;

e. A student complains of or indicates by other means that he/she has been subjected to threats or emotional abuse;

f. A student is excessively apprehensive, fearful, withdrawn, or aggressive;

g. A student is afraid to go home after school or arrives to school unreasonably early;

h. A parent or the caretaker of a child admits having abused the child;

i. The removal from school by the parent, guardian, or other person having custody and control of the child that may be an indicator of additional grievous abuses; or

j. School district personnel have any other reason to believe that a child has been subject to child abuse and/or neglect, to include but not be limited to, physical abuse, sexual abuse, neglect, educational abuse, and educational neglect.

C. Notification Requirements for School District Employees, Volunteers, or Interns

1. Employees, volunteers, or interns working in the school district shall immediately notify designated child welfare authorities of incidents of alleged missing, abused, or neglected children.

a. The person having reason to believe that a child may be missing or may have been abused or neglected may inform the Principal or other designated school official(s) prior to notifying designated child welfare authorities if the action will not delay immediate notification.

b. The person notifying designated child welfare authorities shall inform the Principal or other designated school official(s) of the notification, if such had not occurred prior to the notification.

(1) Notice to the Principal or other designated school official(s) need not be given when the person believes the notice would likely endanger the reporter or student involved or when the person believes the disclosure would likely result in retaliation against the student or in discrimination against the reporter with respect to his or her employment.

2. Reports of incidents of alleged missing, abused, or neglected children shall be reported to the New Jersey State Central Registry (SCR) at 1-877 NJ ABUSE or to any other telephone number designated by the appropriate child welfare authorities. If the child is in immediate danger a call shall be placed to 911 as well as to the SCR.

D. School District's Notification to Law Enforcement

1. The Principal or other designated school official(s) upon being notified by a person having reason to believe that a child may be missing or may have been abused or neglected, must notify appropriate law enforcement authorities of incidents of potentially missing, abused, or neglected child situations.

   a. Notification procedures to child welfare authorities and law enforcement authorities regarding alleged incidents of missing, abused, or neglected children shall be consistent with the Memorandum of Agreement between education and law enforcement authorities pursuant to N.J.A.C. 6A:16-6.2(b)13.

   b. Notification to appropriate law enforcement authorities shall be made for all reports by employees, volunteers, or interns working in the school district.

      (1) The notification to appropriate law enforcement authorities on behalf of a student attending a receiving school shall be made to the law enforcement authorities identified in the receiving school's Memorandum of Agreement as required by N.J.A.C. 6A:16-6.2(b)13.

2. Confirmation by another person is not required for a school district employee, volunteer, or intern to report the suspected missing, abused, or neglected child situation.

E. School District Cooperation with Designated Law Enforcement Authorities

1. The school district will cooperate with designated child welfare and law enforcement authorities in all investigations of potentially missing, abused, or neglected children.

   a. Accommodations shall be made permitting the child welfare and law enforcement investigators to interview the student in the presence of the Principal or other designated school official(s).

      (1) If the student is intimidated by the presence of the school representative, the student shall be requested to name an employee, volunteer, or intern working in the school district whom he or she feels will be supportive, and who will be allowed to accompany the student during the interview.

b. District administrative and/or supervisory staff members will assist designated child welfare and law enforcement authorities in scheduling interviews with any employee, volunteer, or intern working in the school district who may have information relevant to the investigation.

c. In accordance with N.J.A.C. 6A:16-11.1(a)5.iii., the district will release all records of the student who is the subject of the investigation that are deemed to be relevant to the assessment or treatment of a potentially missing, abused, or neglected child pursuant to N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40 and allowable under the Family Education Rights and Privacy Act (FERPA), 34 CFR Part 99.

d. In accordance with N.J.A.C. 6A:16-11.1(a)5.iv., the district will ensure the maintenance, security, and release of all confidential information about potential missing, abused, or neglected child situations is in accordance with N.J.S.A. 18A:36-19, N.J.S.A. 9:8-8.40, and N.J.A.C. 6A:32-7.

(1) All information regarding allegations of potentially missing, abused, or neglected children reported to authorities about an employee, volunteer, or intern working in the school district shall be considered confidential and may be disclosed only as required in order to cooperate in investigations pursuant to N.J.A.C. 6A:16-11.1(a)2. and 3. or by virtue of a Court Order. Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the Superintendent or designee.

e. In accordance with N.J.A.C. 6A:16-11.1(a)5.v., the district will release the student to child welfare authorities while school is in session when it is necessary to protect the student or take the student to a service provider.

(1) Such removal shall take place only after the Principal or other designated school official(s) has been provided, either in advance or at the time removal is sought, with appropriate documentation that the child welfare authority has already removed, or has appropriate authority to remove, the student from his or her home, as specified in N.J.S.A. 9:6-8.27 through 8.30.

f. The district will cooperate in the transfer of a student who has been removed from his or her home by designated child welfare authorities for proper care and protection pursuant to N.J.S.A. 9:6-8.28 and 8.29 to another school.

F. Due Process Rights of a School Employee, Volunteer, or Intern Named As a Suspect

1. An employee, volunteer, or intern working in the school district who has been named as a suspect in a notification to child welfare and law enforcement authorities regarding a missing-, abused-, or neglected-child situation shall be entitled to due process rights.

2. Temporary reassignment or suspension of an employee, volunteer, or intern working in the school district named as a suspect pursuant to N.J.A.C. 6A:16-11.1(a)2 shall occur only if there is reason to believe that the life or health of the alleged victim or other student is in jeopardy due to continued contact between the employee, volunteer, or intern and the student.

3. All references to a notification to the designated child welfare authorities of a potential missing-, abused-, or neglected-child situation involving a school district employee, shall be removed from the employee's personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a.

Adopted: 27 August 2020

R 8465 HATE CRIMES AND BIAS-RELATED ACTS

A. Definitions

1. A hate crime is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race, color, gender, disability, religion, sexual orientation, or ethnicity.

2. A bias-related act is an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial, gender, disability, religion, sexual orientation, or ethnic prejudice. A bias-related act need not involve an act that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

B. Procedure For Reporting Hate Crimes

1. A school employee will notify the Building Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:

   a. A hate crime has been committed or is about to be committed on school property; or

   b. A hate crime has been or is about to be committed by any student, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours; or

   c. That a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on school property or during school hours.

2. The Building Principal will notify the Superintendent, the Little Ferry Police Department and Bias Incident Officer for the county prosecutor's office.

3. The Principal and the Superintendent shall notify the Little Ferry Police Department and the county prosecutor's office immediately if there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a student or there is otherwise reason to believe that a life has been or will be threatened.

C. Procedure For Reporting Bias Incidents

1. A school employee should immediately notify the Building Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:

   a. A bias-related act has been committed or is about to be committed on school property; or

   b. A bias-related act has been or is about to be committed by any student, whether on or off school property and whether or not such bias-related act was or is to be committed during school hours.

2. The Building Principal will notify the Superintendent and the Little Ferry Police Department.

3. In deciding whether to refer the matter of a bias-related act to the Little Ferry Police Department or the county prosecutor's office, the Building Principal and the Superintendent, should consider:

   a. The nature and seriousness of the conduct; and

   b. The risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public.

4. The Building Principal will consult with the Superintendent and should consider:

   a. That the police department or the county prosecutor's office may possess, or have access to, other information that could put the suspected bias-related act in proper context, which could shed light on the motivation for the act or some other unsolved hate crime; and

   b. The possibility that the suspected incident could escalate or result in some form of retaliation that might occur within or outside school property.

D. Nature of Referral

1. The mandatory referral for suspected or committed hate crimes and the presumptive referral for suspected or committed bias-related acts as described in the regulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.

2. Any referral in accordance with this regulation is not an accusation or formal charge.

3. Any referral pursuant to this regulation is predicated on the basis of reasonable suspicion, which is less than probable cause, less than the proof sufficient to sustain an adjudication of delinquency or a finding of guilt in a court of law and less than the proof sufficient to justify the imposition of school discipline.

4. All doubts by school officials should be resolved in favor of referring a matter to the Little Ferry Police Department or the county prosecutor's office.

E. Concurrent Jurisdiction

1. Unless the Little Ferry Police Department or the county prosecutor's office request otherwise, the school district may continue to investigate a suspected hate crime or bias-related act occurring on school property and may take such actions as necessary and appropriate to redress and remediate any such acts.

2. The school officials will discontinue the in-school investigation if the Little Ferry Police Department or the county prosecutor's office believe the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.

F. Preservation of Evidence

1. School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias-related act pending the arrival of the Little Ferry Police Department or the county prosecutor's office.

2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Little Ferry Police Department or county prosecutor's office in a manner designed to minimize the harm and continued exposure to students by such evidence, but that will not permanently damage or destroy such evidence or otherwise limit its utility in an ongoing investigation or prosecution.

3. The Little Ferry Police Department and/or the county prosecutor's office will photograph or otherwise document the location and content of any such graffiti or other bias-based evidence as soon as possible, so that the graffiti or other evidence may be removed or eliminated at the school district's earliest opportunity.

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R 8467 WEAPONS

A. Definitions

"Weapon" includes:

1. Firearms, which include but are not limited to, any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device, or instrument in the nature of a weapon from which may be fired or ejected any solid projectile ball, slug, pellet, missile, or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It also includes any firearm that is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person. Firearms for the purposes of this regulation means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.

2. Components that can be readily assembled into a weapon.

3. Gravity knives, which means any knife that has a blade that is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.

4. Switchblade knives, which means any knife or similar device that has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.

5. Daggers, dirks, pen knives, box cutters, stilettos, and other dangerous knives.

6. Ballistic knives, which means any device capable of lethal use that can propel a knife blade.

7. Billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood.

8. Stun guns, which means any weapon or other device that emits an electrical charge or current intended to temporarily or permanently disable a person.

9. Any device that projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

10. Imitation firearms, which means an object or device reasonably capable of being mistaken for a firearm.

B. Confiscation

1. A school employee who confiscates any weapon shall immediately notify the school Principal.

2. The Principal shall immediately notify the Chief of Police of the Little Ferry Police Department by telephone that a weapon has been confiscated and shall request removal of the weapon by a police officer. The telephone call shall be confirmed in a written letter.

3. The Principal shall safeguard the weapon until a law enforcement officer takes custody of it.

   a. The Principal shall place the weapon in a box or container.

   b. The Principal shall record or cause to be recorded on the container or on a document attached to the container,

      (1) A description of the weapon;

      (2) The name and signature of the person who confiscated the weapon;

      (3) The date, time, and place the weapon was confiscated;

      (4) The circumstances under which the weapon was confiscated; and

      (5) The name of the student or staff member believed to be in possession of the weapon when it was confiscated.

   c. The container will be placed in a secure location under lock and key and under the Principal's direct control.

d. In the event any person other than the Principal is permitted access to the weapon prior to its retrieval by a law enforcement officer, that person shall enter his/her name and signature on the record along with the time and date of inspection and the reason for the access. Access to the weapon will be permitted only in the presence of the Principal.

e. The law enforcement officer who takes custody of the weapon shall be required to sign and date the record to indicate his/her receipt of the substance or item.

4. The Principal shall provide to the law enforcement officer who takes custody of the weapon:

a. All information concerning the manner in which it was confiscated;

b. The identity of all persons who had custody of the weapon following its confiscation; and

c. The identity of any student or staff member believed to have been in possession of the weapon.

C. Evacuation

1. The Principal shall, in accordance with Regulation No. 8420, direct the immediate evacuation of the school building or the appropriate portion thereof in the event that:

a. The presence of an incendiary device or explosive is known or is reasonably reliably suspected;

b. A person possessing a firearm or incendiary device or explosive refuses to surrender the weapon and the use of force necessary to confiscate the weapon would place another person at serious risk; or

c. The Principal in his/her judgment believes that the school community is at risk and the building should be evacuated.

2. Regular evacuation routes may be modified as required to protect students and staff members from danger.

3. Law enforcement officers shall be summoned immediately to any school building evacuated under this regulation.

D. Removal of Students from Educational Program

1. A student convicted or found to be delinquent for possessing a firearm on any school property, on a school bus, or at a school-sponsored function or a student committing a crime with a firearm shall be immediately removed from the school's regular education program for a period of not less than one calendar year in accordance with Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act and Policy No. 5611.

2. A student who assaults a member of the school community with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program in accordance with Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act and Policy No. 5611.

3. Removal of a student for reasons enumerated in this Regulation shall be in accordance with Policy and Regulation No. 5611.

4. The Building Principal will immediately notify the student's parent(s) or legal guardian(s) if the student is found to be in possession of a firearm on school property or if a student commits an assault upon members of the school community with a weapon other than a firearm on school property.

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R 8468 CRISIS RESPONSE

In responding to a crisis situation, the school administration and staff shall implement the following procedures:

A. LEVEL I - Threat Situation

In the event of an overt threat to an individual:

1. Anyone becoming aware of such a threat shall, without delay, report the nature of this threat, and any details known about the threat to the Building Principal or their immediate supervisor.

2. The administrator/supervisor, upon receipt of such a report, shall isolate and contain the individual(s) reported to have made said threat. Such action is to be taken only if it is possible to do so without further jeopardizing the safety of the individual threatened, or any other individual on the school premises.

3. If the physical safety of any individual is, or might be jeopardized by an attempt to isolate or contain the individual in question, the local law enforcement authorities shall be contacted for their assistance.

4. Whenever possible, the building supervisor or administrator shall cause any and all other individuals present to be removed from the immediate and surrounding location, to a place of safety.

5. In those instances in which weapons, and/or potentially dangerous materials are discovered to be involved, the local law enforcement authorities shall immediately be notified in accordance with Policy and Regulation Nos. 5611 and 8467.

6. The building administrator or supervisor shall, at earliest opportunity, report to the Superintendent the existence of any crisis situation, the status of that situation and any action contemplated or taken by the building administrator.

7. In the absence of an imminent threat to any individual(s) (such as those outlined in #3 or #5 above), the Superintendent may choose to consult with others in determining an appropriate response to the threat situation; e.g., Board Attorney, administrator in whose school the threat has occurred. The Superintendent may also:

a. Convene a meeting of the Crisis Team and/or any members of that Team for consultation regarding an appropriate course of action.

b. Direct the administrator to:

(1) Contact the parents of the individual(s) involved, and require their immediate presence at school to discuss the nature of the threat.

(2) Immediately suspend the student(s) from school, pending further action.

(3) When applicable, place suspended student(s) on Homebound Instruction, pending evaluation by the Child Study Team.

(4) If deemed necessary, report the incident to the local police authorities.

c. In instances in which weapons have been involved, initiate suspension or expulsion proceedings in accordance with Policy and Regulation No. 5611.

8. Upon resolution of a Level I situation, counseling services may be provided to individual(s) who have been adversely affected. Such services may be made available through the Guidance Department, Child Study Team or through a referral to an outside agency.

9. The Superintendent or his/her designee, shall report to the Board concerning the relevant details of the Level I crisis situation; specifically, those actions contemplated or taken, and the resultant outcome.

B. Level II - Crisis in Progress

During the commission of an act of terrorism, hostage situation or other violence, the jurisdiction of the local/State Police authority is recognized.

1. Aware that such an act is in progress, the administrator shall, without delay, notify the local, state or county law enforcement authorities.

2. The school shall place at the disposal of the law enforcement authorities, all personnel and information that might be supportive and useful in resolving the crisis.

3. The Crisis Team may be immediately convened.

4. The Crisis Team may be briefed on the status of the situation, and will act in an informational and advisory capacity to the Superintendent or his/her designee, and local enforcement agency during the crisis.

5. The Crisis Team members will provide assistance and services as needed to help maintain order. Efforts should also be directed toward generating a sense of control in students, staff and members of the community.

6. The Superintendent or his/her designee, shall act as the primary disseminator of information to the press, public and staff concerning the ongoing crisis. He/she may elect to consult with the local, state or county law enforcement authorities and/or Crisis Team in determining the nature and extent of information to be released. Consideration shall be given to the possible effects the release of information might have on:

   a. The safety of individuals immediately involved in the situation;

   b. The reactions or interpretation of the staff, students or community;

   c. The effect upon law enforcement efforts to resolve the crisis.

C. Level III - Aftermath

Upon resolution of a Level II situation, the Crisis Team shall convene to determine the status of the student body, staff and community; and to determine the steps needed to reestablish a normalized psychological/social environment.

1. The Crisis Team shall consider and make recommendations concerning:

   a. Individuals who are in need of referral to in-school counseling services;

   b. Individuals who need to be referred to agencies or private counselors;

   c. Steps to be taken by staff in dealing with student questions, concerns and fears related to the crisis. To accomplish this, a faculty meeting of the entire staff shall be held as soon as time and circumstances allow;

d. Information to be provided to the classroom teacher which may be shared with students with the objective of reducing fear, rumor, and promoting a calming and healing atmosphere;

e. Debriefing opportunities for staff members who have questions, concerns and fears related to the crisis;

f. Directions to the staff regarding appropriate/inappropriate media contact.

2. The Crisis Team shall:

a. Review the crisis policy and procedures currently in effect;

b. Make suggestions to the Superintendent or his/her designee, for modifications in policy and procedures which have potential for dealing with future incidents.

3. The Superintendent or his/her designee, shall communicate to the Board of Education, information concerning the resolution of the crisis situation, details of actions contemplated or taken and recommendations for changes in policy or procedure.

4. Individuals who are members of the student population, and are found to be culpable in the commission of any threat or act as indicated above, shall be subject to:

a. Criminal law pertaining to such acts and individuals.

b. The civil law pertaining to such acts and individuals.

c. New Jersey Education Law and Codes (Regular or Special Education) as they pertain to such acts and individuals.

R 8600 STUDENT TRANSPORTATION

General Requirements - Students Remote From School

A. The Board will transport:

1. Students who reside remote, as defined in N.J.S.A. 18A:39-1. and N.J.A.C. 6A:27-1.4(a)1. and (a)2., from their assigned district school of attendance;

2. Nonpublic school students who reside remote from their school of attendance and meet the eligibility criteria of N.J.A.C. 6A:27-2.1 et seq.;

3. Charter school or renaissance school students pursuant to N.J.A.C. 6A:27-3.1 et seq.;

4. Students with special needs shall be provided transportation in accordance with N.J.S.A. 18A:39-1 et seq. and with their Individualized Education Program (IEP) pursuant to N.J.A.C. 6A:27-5.1;

5. School choice students pursuant to N.J.A.C. 6A:27-4.1 et seq.; and

6. Special population students pursuant to N.J.A.C. 6A:27-6.2 through 6.5.

Hazardous Routes

The Board will approve all bus routes each school year. Bus routes for all non-remote students who must walk to and from school along hazardous routes will be designated and approved by the Board. The Board will approve a list of hazardous routes in the district requiring the courtesy busing of students and the criteria used in designating the hazardous routes. In adopting Policy and Regulation 8600 and the list of hazardous routes, the Board may consider, but shall not be limited to, the criteria outlined in N.J.S.A. 18A:39-1.5 as follows:

1. Population density;

2. Traffic volume;

3. Average vehicle velocity;

4. Existence or absence of sufficient sidewalk space;

5. Roads and highways that are winding or have blind curves;

6. Roads and highways with steep inclines and declines;

7. Drop-offs that are in close proximity to a sidewalk;

8. Bridges or overpasses that must be crossed to reach the school;

9. Train tracks or trestles that must be crossed to reach the school; and

10. Busy roads or highways that must be crossed to reach the school.

A school district shall work in conjunction with municipal officials in determining the criteria necessary for the designation of a hazardous route.

Cooperative/Coordinated Transportation Services

A. The Board shall utilize cooperative/coordinated transportation services in accordance with the provisions of N.J.S.A. 18A:39-11.1 et seq. and N.J.A.C 6A:27-10.1 et seq.

School Bus Use and Standards

A. All school buses bid or purchased shall be equipped in accordance with the requirements of N.J.S.A. 39:3B-10 – School Bus Safety Equipment.

B. School bus drivers and all school bus passengers shall be required to wear seat belts when transported in school buses so equipped. Seat belts shall be fastened when the driver and passengers board the vehicle and they shall be kept fastened at all times while on board the vehicle. Seat belts may be unfastened only when the individual is departing the vehicle. The Board further requires that drivers and passengers using private vehicles to transport students wear seat belts in the same manner.

C. There shall be displayed on every bus subject to the provisions of N.J.S.A. 39:3B-1, signs or legends which will, insofar as practicable, inform the driver of any vehicle concerning the duty imposed upon him/her by law with respect to passing a bus, while it is loading or unloading. The signs or legends shall be in a color, form, and design as will meet the requirements prescribed by the State Board of Education.

An agency, Board of Education, nonpublic school, or school bus contractor operating a school bus subject to the provisions of N.J.S.A. 39:3B-1 shall display across the rear of the school bus a telephone number, website address, or other identifying information which shall allow the public to report a bus driver's misconduct while operating the school bus to the Board of Education or nonpublic school for which the school bus provides transportation. The lettering shall be of a color that contrasts with the color of the school bus.

The Board of Education or nonpublic school shall comply with New Jersey Department of Education (NJDOE) regulations regarding: the appropriate Board of Education or nonpublic school official or designee to address and respond to a complaint of school bus driver misconduct; the appropriate actions which a Board of Education or nonpublic school may take to respond to a complaint of school bus driver misconduct; and the time period during which a Board of Education or nonpublic school may act to respond to a complaint of school bus driver misconduct in accordance with the provisions of N.J.S.A. 39:3B-2.1.

D. The Board requires every school bus bid or purchased that is used to transport public, non-public, charter, and/or renaissance school students will be equipped with a crossing control arm at the right front corner of the bus. The arm must open and extend out from the bus at least five feet each time the bus door is opened.

E. School bus purchase, use, and standards must meet Federal and State standards and must be in accordance with N.J.A.C. 6A:27-7.1 et seq. and N.J.S.A. 18A:18A-1 et seq. – Public School Contracts Law.

Operation and Management of Transportation System

A. The transportation coordinator shall

1. Prepare a map of the district on which each bus stop and bus route is indicated or, alternatively, prepare an itinerary of bus routes that may be used in conjunction with a map of the school district;

2. Prepare and promulgate procedures to be followed in the event of a bus emergency, bus safety, bus driver training and rules governing the conduct of all students transported by the Board in accordance with N.J.A.C. 6A:27-11.1 et seq. and 6A:27-12.1 et seq.;

3. Maintain such records and make such reports regarding school transportation as are required by the State Board of Education; and

4. Prepare the specifications for each bus route or contract for which proposals will be sought by the Board in accordance with N.J.A.C. 6A:27-9.1 et seq.

B. The operation and fiscal management of the district's transportation system shall be conducted in strict accordance with rules of the State Board of Education and the NJDOE.

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R 8630 EMERGENCY SCHOOL BUS PROCEDURES

A. Staff Training

1. The employer shall administer a safety education program for all permanent and substitute school bus drivers and school bus aides that it employs. At a minimum, the training shall include:

   a. Student management and discipline;

   b. School bus accident and emergency procedures;

   c. Conducting school bus emergency exit drills;

   d. Loading and unloading procedures;

   e. School bus stop loading zone safety;

   f. Inspecting the school vehicle for students left on board the bus at the end of a route; and

   g. The use of student's educational records, including the employee's responsibility to ensure the privacy of the student and his or her records, if applicable.

2. The employer shall administer a safety education program to school bus drivers that includes defensive driving techniques and railroad crossing procedures.

3. The employer shall administer the safety education program, as set forth in A.1. and 2. above, twice per calendar year to all permanent and substitute school bus drivers and school bus aides it employs in accordance with N.J.S.A. 18A:39-19.1a.

4. The employer shall be responsible to administer a Commissioner of Education-developed training program on proper procedures for interacting with students with special needs in accordance with the provisions of N.J.S.A. 18A:39-19.2 and 18A:39-19.3 for all school bus drivers and school bus aides:

   a. In the case of a school bus driver or aide who is employed prior to the development and availability of the training program, the employer shall administer the training program to the individual no later than one hundred and eighty days after the training program is made available by the Commissioner;

b. In the case of a school bus driver or aide who is employed after the development and availability of the training program, the employer shall administer the training program to the individual prior to that individual operating a school bus or serving as an aide on a school bus;

c. In accordance with the provisions of N.J.S.A.18A:39-19.3.b., the employer shall require a school bus driver or school bus aide to file a certification with the employer that the individual has completed the training program required as per N.J.S.A. 18A:39-19.2 within five business days of its completion. The employer shall retain a copy of the certification for the duration of the individual's employment, and shall forward a copy of the certification to the New Jersey Department of Education (NJDOE); and/or

d. Contractors that provide student transportation services under a contract with the Board of Education shall comply with the requirements of N.J.S.A. 18A:39-19.2 and 19.3 and N.J.A.C. 6A:27-11.1 et seq.

B. Emergency Bus Evacuation Drills

1. The Principal or designee of each school shall organize and conduct emergency bus exit drills at least twice within the school year for students who are transported to and from school and all other students shall receive school bus evacuation instruction at least once within the school year.

2. School bus drivers and bus aides shall participate in the emergency exit drills.

3. Bus exit drills will be conducted on school property and shall be supervised by the Principal or by a person assigned to act in a supervisory capacity. The drills will be conducted when weather is conducive to safety and preferably when the bus arrives at school with a full complement of students.

4. The portion of the drill involving the use of the rear emergency door, which requires students to jump from the bus to the ground does need not to be performed by every student and may be demonstrated by others.

5. The school bus driver or supervisor of the drill shall:

a. Describe and demonstrate the use of kick-out windows and split-sash windows;

b. Describe the location and use of flares, flags, fire ax, and other emergency equipment;

c. Give instruction in the opening and closing of front and rear doors, turning off the ignition switch, and setting and releasing the emergency brake;

d. Explain that the bus will be evacuated by the front door when the bus is damaged in the rear and by the rear door when the front door is blocked;

e. Demonstrate the use of the emergency exit door;

f. Instruct students that lunches and books should be left on the bus in the evacuation procedure;

g. Encourage older, bigger students to assist younger, smaller students in their exit from the bus;

h. Have students leave the bus one row at a time, left and right sides alternating, in a prompt and orderly fashion;

i. Instruct students to group a safe distance away from the bus and to wait in that place until directed by the driver, a police officer, or other adult in authority;

j. Tolerate no student misbehavior in the conduct of the drill; the failure of any student to follow directions must be reported to the Principal; and

k. Provide any other training required by Federal and State law or as deemed appropriate by the Board that will protect the safety of the students in the event the bus needs to be exited due to an emergency.

6. In accordance with the provisions of N.J.A.C. 6A:27-11.2(d), emergency bus evacuation drills shall be documented in the minutes of the Board at the first meeting following completion of the emergency exit drill. The minutes shall include, but are not limited to, the following:

a. The date of the drill;

b. The time the drill was conducted;

c. The school name;

d. The location of the drill;

e. The route number(s) included in the drill; and

f. The name of the Principal or assigned person(s) who supervised the drill.

C. Additional Precautions

1. School bus drivers may, depending on the age of the students on a bus route, discuss with the students additional safety precautions that may be taken in the event of a bus emergency. The safety precautions to be discussed shall be approved by the Director of Transportation.

2. In accordance with the provisions of N.J.S.A. 18A:39-19.4, the Commissioner of Education shall develop a student information card that includes information that should be readily available to a school bus driver and school bus aide for the purpose of promoting proper interaction with a student with special needs. The parent of a student with an Individualized Education Plan (IEP) shall complete the student information card when the IEP is developed or amended for a student who receives transportation services.

a. Upon receiving consent from a student's parent, the school district shall provide a copy of the completed student information card to a school bus driver and school bus aide for each student on the bus route to which the school bus driver or school bus aide is assigned for whom a student information card has been completed by the parent.

3. School bus drivers shall attend training workshops offered by the NJDOE and this school district and shall be trained in first aid.

4. Each school bus shall be equipped with:

a. A list of the students assigned to that bus;

b. A basic first aid kit;

c. Several emergency notice cards on which are printed the telephone numbers of the appropriate police department, the receiving school, and an emergency medical service and on which is provided a space for writing the location of a disabled school bus and the name of the bus driver;

d. Flags or flares or other warning devices; and

e. Any other equipment or supplies determined to be included on the school bus by the administration.

5. Each school bus driver shall:

a. Inspect his/her bus for possible hazards or safety concerns before driving the bus each day;

b. Keep aisles and passageways clear at all times;

c. Maintain student discipline on the bus;

d. Prohibit the presence of any non-service animal, firearm, ammunition, weapon, explosive, or any other dangerous or illegal material or object on the school bus;

e. Report promptly to the Director of Transportation any potential driving hazard on his/her route, such as construction, road work, etc.;

f. Report promptly to the Director of Transportation any deviation in the bus route or schedule;

g. Drive within speed limits at all times and exercise extraordinary care in inclement weather;

h. Know and obey all motor vehicle laws and regulations and State Board of Education regulations;

i. Not smoke, eat, or drink while in or operating the bus at any time or perform any act or behave in any manner that may impair the safe operation of the school bus;

j. Inspect the school vehicle for students left on board the bus at the end of a route; and

k. Not allow a student on board a school bus unless the bus driver or other employee of the Board or school bus contractor is also on board the bus. This shall not apply when a school bus driver leaves the bus to assist in the boarding or exiting of a disabled student or in the case of an emergency.

D. General Emergency Rules

1. School bus drivers are responsible for the safety of the students on their bus. In the event of an emergency, school bus drivers must exercise responsible leadership. The safety and well-being of students must be the drivers' paramount consideration. School bus drivers shall stay with their students until another school staff member, law enforcement officer, or a first responder can assume responsibility for the safety of the students.

2. School bus drivers may not leave the school bus when children are aboard except in an emergency and, then, only after they have turned off the engine, removed the ignition key, and safely secured the school bus.

3. A school bus must be evacuated when:

   a. There is a fire in the engine or any other portion of the bus;

   b. There is a danger of fire because the bus is near an existing fire or a quantity of gasoline or other highly combustible material and is unable to move away;

   c. The bus is disabled for any reason and:

      (1) Its stopping point is in the path of a train or is adjacent to a railroad track;

      (2) A potential exists for the position of the bus to shift thus endangering students; or

      (3) The stopping point (e.g., on a hill, curve, or near an obstruction) fails to provide oncoming traffic with at least 300 feet visibility of the bus, thus creating the danger of a collision.

   d. The risk of remaining in the bus poses a greater safety risk than evacuating the bus.

4. When a school bus is evacuated, students shall leave the bus by the exit(s) and in the manner that affords maximum safety in the circumstances.

5. Students who have been evacuated from a school bus shall be moved to a safe place and distance from the bus and remain there until the driver or, if the driver is incapacitated, another person in authority has determined that no danger remains or until other alternative safety provisions can be made.

6. No student shall be allowed to request a ride with a passerby or proceed to walk home or leave the scene without the specific approval of the bus driver, a police officer, or other person in authority.

7. In the event a school bus is disabled in the course of providing student transportation, the driver, or a responsible person designated by the driver, will notify the Director of Transportation of the number and location of the bus and the circumstances of the disability. The Director of Transportation will make arrangements for the safety of the students.

E. Specific Emergency Situations

1. In the event of an accident or vehicle failure the following procedures will be implemented:

   a. The school bus driver shall, in person or through a responsible designee, summon the police and emergency medical services, if necessary, and notify the Principal of the receiving school and the School Business Administrator/Board Secretary or designee, of the district providing the transportation.

   b. The school bus driver will attempt to make all students as safe and comfortable as possible. If possible and necessary, the driver will administer emergency first aid to injured students.

   c. In the event of an accident with no apparent or actual injuries and when law enforcement officials permit the bus to continue on its route after investigating the accident the school nurse will:

      (1) If the accident occurred on the way to school or during school hours, examine any student who is feeling or displaying any symptoms of any injuries from the accident when the bus arrives at school; or

(2) If the accident occurred on the way home from school, examine any student who is feeling or displaying any symptoms of any injuries from the accident the next school day or if the parent of a student requests the school nurse examine their child the next school day.

d. In the event of an accident where students are injured, a student(s) may be transported to a hospital if it is determined by law enforcement, medical, and/or first aid staff at the accident scene additional medical treatment is required.

(1) If the accident occurred on the way to school or during school hours, the school nurse will examine any student not transported to the hospital who is feeling or displaying any symptoms of any injuries from the accident when the bus arrives at school.

(2) If the accident occurred on the way home from school, the nurse will examine any student feeling or displaying any symptoms of any injuries from the accident the next school day or if the parent of a student requests the school nurse examine their child the next school day.

e. If another vehicle(s) is involved, the bus driver will obtain the following information from the driver(s) of that vehicle(s) or from law enforcement officers at the accident scene: driver's name, driver's license number, vehicle owner's name and address, vehicle registration number, owner's insurance company and policy number, and a description of the vehicle (color, make, year, body type).

f. The following notifications must be provided:

(1) The school bus driver must report immediately to the Principal of the receiving school and the School Business Administrator/Board Secretary or designee of the district providing the transportation, any accident that involves an injury, death, or property damage. In addition, the bus driver must complete and file the Preliminary School Bus Accident Report prescribed by the Commissioner of Education.

(2) The Principal of the receiving school shall retain a copy of the Report and forward other copies of the Report as prescribed by the NJDOE.

(3) In addition, a school bus driver involved in an accident resulting in injury or death of any person, or damage to property of any one person in excess of $500 shall complete and file within ten days after such accident a Motor Vehicle Accident Report in accordance with N.J.S.A. 39:4-130.

(4) The parent of students involved in a school bus accident shall be notified as quickly as possible commensurate with the severity of the accident and injuries, if any, and hospital placement of their child if transported to a hospital by ambulance or by other emergency personnel.

2. In the event the school bus driver is incapacitated, the following procedures will be implemented:

a. A school bus driver is incapacitated when he/she is unable to operate the school bus safely or when his/her driving ability is significantly impaired by the driver's physical or mental condition.

b. If there is a bus aide on the bus, the bus aide will take steps necessary to have the bus pulled off the road to a safe location and shall contact school officials or emergency services for assistance. If a bus aide is not on the bus, the bus driver shall pull the bus off the road to a safe location and contact school officials or emergency services for assistance.

c. The bus shall be stopped, with due consideration for the safety of its passengers, the motor turned off, the ignition key removed, and safely secure the bus.

d. The Director of Transportation shall immediately arrange for the transportation of the students by substitute driver, substitute bus, or other means.

3. In the event of an injury to a student on the bus, at a bus stop, or along a transportation route, not incurred as the result of a school bus accident, the following procedures will be implemented.

a. In the absence of another responsible adult in authority, the school bus driver will take charge of a student who has been injured or disabled on a school bus, at a school bus stop, or along the transportation route traveled by the school bus.

b. If necessary, first aid will be administered.

c. If the student's injury is serious, emergency medical services will be summoned; the school bus driver or a responsible adult appointed by the bus driver will remain with the student until emergency medical help arrives.

d. If the student's injury:

(1) Occurs on the way to the school, the school bus driver will deliver the injured student to the school nurse for examination and such treatment or referral as may be required. The school nurse will notify the student's parent;

(2) Occurs on the way to the student's home, the school bus driver or another school district staff member will deliver the injured student to his/her parent or to a responsible adult at the student's home or if no one is home the injured student will be transported back to a school district location until a parent or another responsible adult can be contacted. If it is determined the student may need medical treatment and a parent or responsible adult cannot be contacted, the child may be transported to the school physician's office or to the nearest hospital emergency room; or

(3) Occurs on the way to or from an extracurricular event, the school bus driver will notify a professional staff member assigned to the activity, who will take charge of the student and notify the student's parent.

e. The school bus driver will immediately report the incident and any injuries to the Principal or designee of the school in which the student is enrolled.

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R 8690 MONITORING DEVICES ON SCHOOL VEHICLES

Recording and Notice

1. In order to maintain a safe and secure environment for all students transported on school vehicles the Director of Transportation may cause recording devices to be installed in any district owned or contracted vehicles and activated at specific times.

2. Monitoring devices may include sound videocameras, audio recording devices and other appropriate devices.

3. Students and drivers will not be notified when a recording device is "on board" and in use on district vehicles.

4. Each school vehicle shall have a sign, prominently displayed stating that: "Video and/or audio monitoring devices are used on school district owned and contracted vehicles and this vehicle may be monitored at any time."

5. Recordings may be used to monitor and observe the behavior of students, teaching and support staff members and the vehicle operator.

Student Records and Notice

1. School district personnel will comply with provisions of law regarding student records requirements including the Family Education and Privacy Act and the Individual with Disabilities Education Act as applicable in the district's use of video recordings. Video recordings considered for retention as a part of the student's behavioral record will be maintained in accordance with established student record procedures governing access, review and release of student records.

2. The school district personnel will include annual notice in parent/student handbooks that monitoring devices may be used on school transportation vehicles transporting students to and from curricular and co-curricular activities.

Staff Records and Notice

1. Recordings considered for retention as part of the employee's personnel record will be maintained in accordance with established Board personnel policies, administrative regulations and labor agreements governing access, review and release of employee personnel records.

2. The district will include notice to personnel that monitoring devices may be used on school transportation vehicles transporting students to and from curricular and/or co-curricular activities.

3. Staff will not be notified when a video camera is "on board" and in use on district vehicles.

Storage/Security

1. All recordings will be stored by the Director of Transportation and secured to ensure confidentiality.

2. Recordings will be stored for sixty school days after initial recording, whereupon such recordings will be released and erased, unless there is an incident pending resolution.

3. Recordings held for review of student or staff incident will be maintained in their original form pending resolution. The recording media will then be either released for erasure or retained as necessary as a part of the student's behavioral record and/or employee's personnel record in accordance with the established district procedures.

Use

1. The decision to activate recording devices on specific vehicles and at specific times shall be made by the Director of Transportation.

2. Monitoring devices will be used on school transportation vehicles transporting students to and from curricular or extracurricular activities on a rotational basis at the discretion of the Director of Transportation.

3. Staff and students are prohibited from tampering with or otherwise interfering with recording equipment. Any individual found tampering with equipment shall be subject to discipline.

Viewing or Listening

1. Initial viewing or listening to recordings will be done by the Director of Transportation.

2. Requests for viewing or listening will be limited to those parents or guardians, students, teaching or support staff, drivers and district officials with a direct interest in any proceedings, disciplinary or otherwise resulting from the recordings as deemed appropriate by the Director of Transportation.

3. Only the portion of the video or audio recording concerning a specific incident will be made available for viewing.

4. Approval/denial for viewing or listening will be made within five working days of receipt of request and so communicated to the requesting individual(s).

5. Actual viewing or listening to the recording will be permitted at school related sites only, including the transportation office, schools, district office or as otherwise required by law.

6. All viewing will be in the presence of the Director of Transportation.

7. A written log will be maintained by the Director of Transportation of those viewing video recordings including date of viewing, reason for viewing, the date the recording was made, vehicle video-taped and driver and the signature of the viewer.

8. Video recordings remain the property of the district and may be reproduced only in accordance with law, including applicable district student records policy and procedures and district personnel records policy, procedures and applicable labor agreements.

Purchase, Maintenance, Replacement of Equipment/Supplies

1. The Director of Transportation will be responsible for the purchase, maintenance and replacement of all monitoring devices and supplies and develop a long-range video equipment and supply replacement cycle.

2. Vehicle drivers will be responsible to notify their immediate supervisor if equipment is damaged and for the care of monitoring devices while operating district vehicles.

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R 9000 COMMUNITY

Number	Title
R 9120	Public Information Program
R 9130	Public Complaints and Grievances
R 9140	Citizens Advisory Committee (M)
R 9150	School Visitors
R 9180	School Volunteers
R 9270	Home Schooling and Equivalent Education Outside the Schools (M)
R 9320	Cooperation with Law Enforcement Agencies (M)
R 9324	Sex Offender Registration and Notification

R 9120 PUBLIC INFORMATION PROGRAM

A. Standards of Presentation

1. Material released in the district's public information program should:

   a. Be factual, topical, newsworthy, and consistent with the educational goals adopted by the Board of Education;

   b. Represent the activities at all grade levels, subject areas, and schools and not favor one school population or activity over another;

   c. Strive to interpret the educational program to the lay public and avoid the use of professional terminology; and

   d. Present an integrated district-wide picture of district-wide programs rather than fragmented information.

2. Information regarding an individual student, other than information classified as directory information in Policy No. 8330, shall be released only with the express written permission of the student's parent(s) or legal guardian(s) or the adult student. Student "information" includes verbal and photographic material, whether or not the student depicted is individually identified. Directory information regarding an individual student may be released only if the student's parent(s) or legal guardian(s) or the adult student has not prohibited its release in accordance with Policy No. 8330.

B. Preparation of Information for Public Distribution

1. Information will be released in a systematic manner to avoid confusion and misunderstanding.

2. Information planned for general public consumption should first be reviewed by interested district employees.

3. News bulletins issued by individual schools or departments within the district must identify the issuing school or department as a part of the school district. Thus all letterheads, bulletins, and publications must carry the full name of the Little Ferry School District.

4. The Principal of each school should prepare a bulletin or news item of interest in his/her building.

5. The office of the Superintendent will prepare and disseminate:

   a. An annual calendar of Board, district, and school events open to the public;

   b. A district newsletter;

   c. Information about the proposed budget, in accordance with Policy No. 6230;

   d. News releases about Board activities and district-wide activities.

6. The Principal of each school will prepare and disseminate the following public information publications.

   a. A student handbook will be given to each student enrolled in the school or to the student's parent(s) or legal guardian(s). The handbook will include, as appropriate to the grade levels in the school:

      (1) The organization of the school;

      (2) Rules for student conduct;

      (3) Student rights and responsibilities;

      (4) Information about school operations, health services, attendance, emergency closings, and the like;

      (5) Descriptions of student activities and programs;

      (6) The student grievance procedure; and

      (7) Academic requirements.

   b. A calendar of school events will be distributed to all students, parent(s) or legal guardian(s), and staff members.

c. As appropriate to the grade levels of the school, a listing of course offerings and requirements will be distributed to all parents or legal guardians and students.

d. Programs for specific performances and athletic contests will be distributed to attendees and participants.

C. Release of Information to the Press

1. In accordance with Policy No. 9120, information determined by the Board to be of particular community impact and interest will be released to the press only by the Board.

2. Information regarding Board actions of lesser importance may be released to the press by the Superintendent's designee.

3. Information regarding the activities of the schools and of individuals in the schools may be released to the press on the approval of the Superintendent.

4. All inquiries from members of the press will be referred to the Superintendent for response. A staff member who is requested to give an interview to a member of the press shall so inform the Superintendent, who may request to be present at the interview.

5. In the event of an unusual development in the school district that arouses substantial public interest, the Superintendent will accommodate the needs of the press by establishing a temporary press center.

a. A room will be prepared, as close to the main office as feasible, and equipped with a telephone, computer, access to copying equipment, paper, and other equipment and supplies as may reasonably facilitate the tasks of reporters and photographers.

b. Members of the press will be directed to gather in the pressroom, where they will hear and may question the district's spokesperson.

c. All information about the unusual development will be relayed through the designated district spokesperson, who should be given direct access to the information and people necessary to the gathering of accurate data.

d. School officials who are asked to give statements to the press regarding the development should seek the assistance of the Superintendent in drafting their statements.

D. Displays

1. Displays of the accomplishments of district students and the results of educational programs may be placed in locations that afford a high level of public visibility, such as in local commercial establishments, municipal offices, health facilities, libraries, and banks.

2. Any display must be approved in advance by the school Principal.

3. The staff member planning the display must request and receive in writing the permission of the facility in which the display will be placed. The request will clearly indicate the duration of the display, the time when it will be installed, and any particular accommodations that are necessary to the display.

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R 9130 PUBLIC COMPLAINTS AND GRIEVANCES

All complaints and grievances addressed to the Board of Education, Board members individually, school officials, or district staff members shall be referred to the Superintendent for consideration in accordance with the following procedures.

A. Complaints Regarding a Teaching Staff Member Other Than Administrator

1. First level

   a. The complainant will be directed to address the matter to the staff member.

   b. The staff member will be directed to discuss the matter directly with the complainant and to make every reasonable effort to explain the difficulty and/or take appropriate action in accordance with district regulations and within his/her authority and district regulations.

   c. The staff member will report the matter, and whatever action may have been taken to resolve the matter, to the Principal.

2. Second level

   a. If the matter cannot be satisfactorily resolved at the first level, the complainant may discuss the matter with the Principal.

   b. The Principal will take all reasonable and prudent steps to resolve the complaint or to explain to the complainant why the matter cannot be resolved as the complainant wishes.

3. Third level

   a. If the matter cannot be satisfactorily resolved at the second level, the complainant may, within three working days (see Policy No. 9130) of his/her meeting with the Principal, submit to the Superintendent a written request for a conference. The request shall include:

      (1) The specific nature of the complaint and a brief statement of the facts giving rise to it,

(2) The respect in which it is alleged that the complainant or the complainant's child has been unfairly treated or adversely affected, and

(3) The remedy sought by the complainant.

b. A copy of the request for conference will be sent to the Board of Education.

c. Within seven working days (see Policy No. 9130) of the receipt of the request, the Superintendent shall conduct a conference, at a time convenient to the complainant, and attempt to resolve the matter informally. The time for conference will be extended if the complainant is unable to schedule a convenient meeting.

d. The Superintendent shall record in writing his/her disposition of the complaint and shall, within ten working days (see Policy No. 9130) of the conference, provide a copy of the written disposition to the complainant and to the Board.

4. Fourth level

a. A complaint that is not resolved by conference with the Superintendent or that seeks a remedy beyond the Superintendent's jurisdiction may be appealed to the Board of Education.

b. The complainant may, within three working days (see Policy No. 9130) of his/her receipt of the Superintendent's written disposition, submit a written request for a hearing before the Board. The request will include a copy of the Superintendent's disposition at Level 3.

c. The Board shall, within forty-five calendar days (see Policy No. 9130) of the receipt of the request, conduct an informal hearing before a committee of Board members, in which the complainant will present his/her complaint. The Board may, on the petition of the complainant, permit the examination of witnesses. The Board may permit the teaching staff member complained of to testify in his/her own behalf.

d. The Board shall, within ten calendar days (see Policy No. 9130) of the hearing, advise the complainant in writing of the Board's disposition of the complaint.

e. The complainant will be advised that the Board's decision may be appealed to the Commissioner of Education.

5. Reasonable efforts will be made to expedite a complaint that arises at the end of the school year so that the matter can be resolved before the interruption of summer vacations.

B. Complaints About an Administrative Staff Member

1. The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the administrator.

2. A complaint about a Principal or a central office administrator will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Superintendent in accordance with A3.

C. Complaints About a Support Staff Member

1. The procedure set forth in A will be followed and the complainant will be directed to discuss the matter first with the support staff member.

2. Appeal at the second level of the complaint procedure will be to the support staff member's supervisor.

3. A complaint about a support staff supervisor will omit the second level of the complaint procedure. Appeal of the first level discussion will be made directly to the Superintendent in accordance with A3.

D. Complaints About a Program, Practice, or Operation

1. A complaint directed to a matter of district or school policy, procedure, program, or operation, including entitlement programs established by state or federal law, should be addressed, initially, to the administrator or department head most directly concerned with the matter, in accordance with A1.

2. A complaint that cannot be satisfactorily resolved at the first level may be appealed to the Superintendent and, thereafter, the Board in accordance with the procedures set forth in A3 and A4.

E. Complaints About Instructional and Resource Materials

1. Complaints about textbooks, library books, reference works, and other instructional materials used in the district will be made in writing and submitted to the Superintendent.

2. The complainant will complete and sign a complaint form available in the Principal's office. The form will include:

   a. The title, author, and publisher of the work complained of,

   b. The specific portions or language complained of (by page and item),

   c. The complainant's familiarity with the work objected to,

   d. The reasons for the objection,

   e. The students or class for whom the work is intended, and

   f. The way in which the work is used.

3. Within seven working days of the receipt of the complaint form, the Superintendent shall appoint a review committee consisting of:

   a. The head of the department in which the work is being used,

   b. A teacher in the subject area of the work,

   c. A library staff member,

   d. A Board member,

   e. A lay person knowledgeable in the area of the work, and

   f. The Principal of a school in which the work is used.

4. The review committee will meet to evaluate the complaint and review the material objected to. The standards used by the committee will be those set forth in Policy No. 2530.

5. The committee will report its findings and recommendations to the Board.

6. The Board will receive the report of the committee. If the Board acts to remove the work complained of or to limit access to the work, its action will be accompanied by a statement of reasons for the removal or limitation.

7. A copy of the committee's report and the Board's action, if any, will be given to the complainant.

8. The complainant will be informed that a decision of the Board may be appealed to the Commissioner of Education.

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R 9140 CITIZENS ADVISORY COMMITTEE

A. Appointment

In order to form the membership of advisory committees to the Board of Education, the President shall:

1. Appoint residents who are able and interested in the subject and concerned about the schools;

2. Appoint a chairperson;

3. Appoint himself/herself and the Superintendent as ex-officio members of the committee;

4. Define the committee assignment in writing;

5. Appoint an administrator advisor.

B. Operation

1. All members of the committee, whether elected Board members, residents, or staff employees are intended to have the same rights, participation, and vote.

2. The chairperson shall call committee meetings, establish agenda, and provide liaison with staff where necessary.

3. It is expected that some committees will meet more often than others in accordance with a schedule determined by its membership.

4. Meetings of an advisory committee shall not be open to the public.

5. A committee chairperson may call a special meeting of his/her committee at any time with due consideration to applicable statutes, rules, and regulations.

C. Recommendations

1. Recommendations of advisory committees shall not reduce the responsibility of the Board, which shall be free to accept or reject the recommendations as it sees fit.

2. Members of committees who are not elected Board members may not make decisions nor bind the Board or the school district in matters that are reserved to Board members by law.

3. Matters concerned with individual school district employees or students are not appropriate matters for consideration by non-elected members of the committees, but the philosophy, goals, and objectives related to programs, organization, structure, resources, facilities, and finance are.

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R 9150 SCHOOL VISITORS

A. Definition

"Visitor" means any person present in a school building on a school day during the hours school is in session, other than those persons whose presence is required by their enrollment in the school or employment by the Board and includes, but need not be limited to, parents or legal guardians, family members, district residents, guests, educational researchers, and members of the Board. For the purposes of this regulation, "visitor" does not include persons present in school buildings to attend meetings of the Board or events sponsored by organizations granted permission by the Board to meet in the school.

B. Registration

1. Every visitor is required to register in the school office.

2. A notice will be prominently posted at each entrance to the school building, advising visitors to report to the school office before advancing to any other part of the school. Additional signs should be posted in the lobby of each building to advise visitors not to proceed without registering in the school office.

3. The Principal will maintain a logbook in the main office of the school. Each visitor shall enter his/her name and the purpose of his/her visit in the logbook except that the Principal may exempt trades persons who make regular and frequent visits to the school.

4. Each visitor will be given an identification tag or badge, which must be worn while the visitor is in the school. The Principal may give a permanent identification tag or badge to a trades person who makes regular and frequent visits to the school.

5. The Principal or office personnel designated by the Principal shall arrange for an escort to accompany each visitor to his/her destination except that the Principal may permit visitors familiar with the school and personally known to the Principal to proceed unaccompanied.

6. A staff member who encounters a visitor without identification will request the visitor to report at the school office, and if feasible, conduct the visitor to the school office. A visitor who resists the request or refuses to be conducted to the school office shall be reported to the Principal immediately.

7. A teacher shall not admit a visitor to his/her classroom unless the visitor has the identifying tag or badge or is accompanied by the Principal or the Principal's designee.

8. When a visitor has completed the business of his/her visit, he/she will return directly to the school office, return the identification tag or badge, and promptly leave the building.

9. The provisions of this paragraph may be waived for parents or legal guardians attending scheduled parent-teacher conferences.

C. Permission to Visit Classroom

1. Permission to visit a classroom in session must be sought from and granted by the Principal.

2. In general, arrangements to visit a classroom should be made at least one day in advance of the intended visit.

3. If the intended visit would interfere with the planned instructional program, the Principal will so advise the visitor and suggest another time for the visit.

4. The Principal is authorized to exclude a visitor from a classroom if the Principal has reason to suspect that the visitor may disrupt the educational program or threaten the health and safety of students or staff members.

5. The parent(s) or legal guardian(s) who arrives at school without having sought advance approval of a classroom visit may be admitted to the classroom at the discretion of the Principal.

6. The Principal may arrange visits to classrooms by educators and student teachers with the cooperation and consent of the classroom teachers.

7. Teachers may invite guest speakers or observers to their classrooms with the approval of the Principal. Each such guest speaker and observer must sign the school logbook.

8. The Principal has the authority to evaluate all requests to visit a classroom. A denied request will be accompanied by an explanation of the denial. The parent(s) or legal guardian(s) who has been denied access to his/her child's classroom may appeal the Principal's decision to the Superintendent, whose determination may be appealed to the Board of Education in accordance with Policy No. 9130.

D. Limitations on Visits to School

1. Visitors are permitted in the schools only during school hours.

2. A visitor may remove a student from school only in strict accordance with Policy No. 5230.

3. A visitor may confer with a student in the school only with the approval of the Principal and in the presence of a teaching staff member.

4. A visitor to a classroom shall not interrupt the instructional program, speak to or disturb students, or distract the teacher. A visitor who wishes to confer with the teacher must make arrangements for a conference at a later date.

5. A visitor may not bring a child or children to a classroom without the express permission of the teacher and the Principal.

6. A classroom visit may ordinarily not exceed sixty minutes without the express permission of the teacher and the Principal.

7. The Principal may restrict the number of visitors to any classroom at any one time. Preference will be given to the parent(s) or legal guardian(s) of students in the classroom.

E. Disruptive Visitors

1. The Principal has complete authority to exclude from school premises any person whom he/she believes may:

   a. Disrupt the instructional program;

   b. Disturb teachers or students; or

   c. Commit an illegal act.

2. A visitor whose presence or conduct is disruptive or whose conduct in the past suggests that he/she may be disruptive may be requested to leave the school premises. If the visitor so requested does not withdraw, the Principal may summon assistance from the Little Ferry Police Department.

3. A visitor who presents a serious and immediate threat to the health and safety of persons in the school may be subdued by appropriate means pending the arrival of law enforcement officers.

4. If the Principal has been alerted to dangerous persons in the vicinity of the school or has been informed that a person intends to enter the school with the intent of doing harm, the Principal may, in his/her discretion:

   a. Assign personnel to patrol entrances to the school and deny entrance to any person not properly identified or personally known to them;

   b. Secure the services of professional security personnel to monitor entrances; and/or

   c. Lock all school entrances other than the main entrance so that doors cannot be opened from the outside (taking all necessary steps to ensure that doors can be opened from the inside by pressure on crash bars).

R 9180 SCHOOL VOLUNTEERS

A. Assignments

The tasks to which volunteers may be assigned include, but need not be limited to, the following:

1. Duplicating tests and other materials;

2. Helping with classroom housekeeping;

3. Typing class materials, tests, and the like;

4. Setting up audio-visual and other instructional equipment, if qualified to do so;

5. Helping children remove and don outerwear and boots;

6. Supervising the playground;

7. Correcting workbooks, as qualified to do so and as appropriate to the sensitivity of the materials;

8. Reading aloud and telling stories;

9. Assisting with the school library program;

10. Assisting students locate material in reference works;

11. Assisting with the school lunch program;

12. Serving as chaperones on field trips; and

13. Serving as resource persons in a special subject area.

B. Rules of Conduct for Volunteers

1. A volunteer may serve only under the direction and supervision of a teaching staff member.

2. A volunteer should perform no duties other than those expressly assigned him/her.

3. A volunteer must respect the individuality, dignity, and worth of each student. A volunteer must never punish or rebuke a student.

4. A volunteer must not seek access to records about an individual student. A volunteer must respect the confidentiality of any information gained about an individual student, by whatever means.

5. A volunteer who imparts information to students must be mindful of the age, maturity, and sensibility of those students and exercise proper care and discretion accordingly.

R 9270 HOME SCHOOLING AND EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS

Home schooling is an educational program provided at home, usually by the parent, legal guardian, or other person having custody and control of the child. Children are taught using their own curriculum or published home school curriculum. The Board of Education recognizes that home schooling is an option under the compulsory education law.

For the purpose of this Regulation, "parent" shall mean parent, legal guardian, and other person having custody and control of a child between the ages of six and sixteen.

A. Legal Requirement for Compulsory Attendance

1. N.J.S.A. 18A:38-25 requires all children between the ages of six to sixteen years to attend the public schools or a day school in which there is given instruction equivalent to that provided in the public school for children of similar grades and attainments or to receive equivalent instruction elsewhere other than school.

2. The parent of a child that is home schooled is responsible to ensure their child receives instruction equivalent to that provided in the public school for children of similar grades and attainments or to receive equivalent instruction elsewhere other than school.

3. In the event the Superintendent determines there is credible evidence the parent, legal guardian, or other person having custody and control of a school-aged child is not causing the child to receive equivalent instruction elsewhere than at school, the Superintendent may request a letter of intent from the parent, legal guardian, or other person confirming the child is receiving equivalent instruction elsewhere than at school.

4. If the Superintendent makes a report, the parent of a student receiving instruction elsewhere other than school may, but is not required to, notify the Superintendent of their child's educational program status.

5. A parent of a home schooled child is not required to seek approval from the district or to submit materials to the Superintendent in order to permit it to make a determination as to the equivalency of the instruction.

6. The New Jersey Department of Education encourages a parent to notify the Superintendent of the intent to educate the child elsewhere than at school to avoid questions with respect to compliance with the compulsory education laws.

B. Truancy/Violations of Compelling Attendance

1. When a Superintendent and Board believe a person is not complying with the compulsory education law (N.J.S.A. 18A:38-25 et seq.) they must initiate truancy proceedings in municipal court where a parent may be found guilty of a disorderly persons offense and fined in accordance with N.J.S.A. 18A:38-27 and N.J.S.A. 18A:38-31.

2. If the parent is challenged in court by the Superintendent or Board, the district must demonstrate the child is not receiving an education in accordance with N.J.S.A. 18A:38-25.

C. District Requirements for Home Schooled Students

1. The Board is not required by law to allow a child educated elsewhere than at school to participate in the regular school curriculum or in extra-curricular or sports activities unless specifically provided in Board Policy, or required by Federal law, or State statute or administrative code.

2. A child educated at home shall not receive a State endorsed high school diploma from the Board of Education.

D. Students With Disabilities

1. Any written request from a parent of a home schooled child for a special education evaluation of their child will be reviewed in a meeting of the Child Study Team (CST), the parent, and the regular education teacher in accordance with the provisions of N.J.A.C. 6A:14-2.3. At this meeting, the current information about the child shall be reviewed to determine whether an evaluation is warranted.

   a. If an evaluation is warranted, another determination shall be made regarding the assessment procedures. Written notice of the determinations shall be provided to the parent. Once the assessments are completed, a meeting in accordance with N.J.A.C. 6A:14-2.3 shall be held to determine whether the child is eligible for special education and related services.

   b. If the child is eligible for special education and related services, the CST will determine a classification category and develop an Individualized Education Program (IEP) in accordance with N.J.A.C. 6A:14-3.7. If the child is eligible for special education and related services, the district shall make a free, appropriate public education available only if the child enrolls in the district.

c. The school district will notify the parent of a classified child who is being educated at home to offer services as required by law. The documentation of this notice will be maintained in the child's record file.

d. Any determination by the school district CST regarding the provision of a special education program to a classified child who is being educated at home may be challenged by the parent in accordance with the provisions of N.J.A.C. 6A:14 et seq.

New Jersey Department of Education – Frequently Asked Questions:
Home Schooling

Issued: 27 August 2020

R 9320 COOPERATION WITH LAW ENFORCEMENT AGENCIES

A. Relations with Local Police Department

1. The Principal of each school will endeavor to establish a continuing cooperative relationship with the law enforcement officers that serve the area in which the school is located.

2. Local police officers will be encouraged to visit the school on regular tours of duty so that their presence in the school is helpful and non-threatening.

3. Police should be encouraged to take active roles as resource persons in school programs in order to bring them into direct contact with students and to impress students with the positive aspects of police protection and security. Police officers may be invited to participate in such programs as driver education, substance abuse, and health/family life education.

4. At the same time that he/she works toward a liaison with the police and assists the police in the necessary performance of their responsibility to enforce the law, the Principal will impress upon the police his/her role as protector of the rights and interests of the students enrolled in the school.

5. For the purposes of this Regulation:

   a. "Police Department" means the law enforcement agency designated by the County Prosecutor to receive such information.

   b. "Principal" means the Principal and/or designee.

   c. "Superintendent" means the Chief School Administrator and/or designee.

   d. "School staff member" means any school employee.

B. Summoning the Police onto School Property for the Purpose of Conducting Law Enforcement Investigations, Searches, Seizures, Arrests and in Emergencies

1. Police may be summoned to the school by the Principal or, in the absence of the Principal, the staff member in charge of the school building. If the Principal or staff member in charge is not immediately available in an emergency situation, the police may be summoned by any staff member with direct knowledge of the emergency, who shall report his/her call to the Principal at the earliest possible time.

2. The telephone number by which police can be summoned shall be prominently displayed at telephones in the school that have an outside line.

3. Police officers should be summoned to the school:

   a. When an incident involving the suspected or actual use, possession, or distribution of alcohol or a controlled dangerous substance, including anabolic steroids, drug paraphernalia or a firearm or other deadly weapon occurs, in accordance with Regulation No. 5530;

   b. When evidence indicates that a crime has been committed, that a break and entry has occurred, that a deadly weapon is on school premises, or that a breach of the peace has occurred, in accordance with Regulation No. 7440;

   c. When an act of vandalism has occurred, in accordance with Regulation No. 7610;

   d. When fire is detected and immediately after the fire department has been summoned, in accordance with Regulation No. 8420.1;

   e. When a bomb threat has been received, in accordance with Regulation No. 8420.2;

   f. When the school is threatened by toxic hazard, in accordance with Regulation No. 8431;

   g. In a serious medical emergency, in accordance with Regulation No. 8441;

   h. When a visitor to the school is seriously disruptive and/or refuses to obey the Principal's order to leave the premises, in accordance with Regulation No. 9150; and

   i. In any other instance in which the Principal or staff member in charge has cause to believe the health, safety and welfare of the building occupants and/or property are in jeopardy.

4. An emergency call to the police should include the:

   a. The name and title of the caller;

b. The name and location of the school building in which law enforcement is needed; and

c. A brief description of the nature of the situation, including an accurate assessment of the seriousness of the situation.

5. If possible, a staff member or responsible student should be dispatched to meet and guide responding officers.

6. If offenders are to be arrested, a staff member should be prepared to assist the police in obtaining the necessary warrants.

C. Planned Security Protection at School Events and Extra-Curricular Activities

1. Each September or before, the Principal will provide the local police department with a calendar of events scheduled at the school for the school year just beginning. The calendar will be updated as necessary during the year.

2. The Principal will review with the police the events for which the need for police assistance and/or security is anticipated. Their review will include:

a. The number of officers required,

b. The responsibilities to be assumed by the officers, and

c. The remuneration, if any, each is to receive.

D. Police Investigations in the School

1. The Principal shall demand proper identification of any individual who represents him/herself as a police officer before the Principal permits any investigation to go forward. The Principal may verify this identification with the Police Department or the law enforcement agency that the individual claims to represent.

2. A police officer's request for access to school records will be responded to as follows:

a. A request for access to the public records of this district will be granted only in accordance with Regulation No. 8310.

b. A request for access to district or Board of Education records that are classified as confidential by Policy No. 8310 shall be reported to the Superintendent or Board Secretary, who will determine, in consultation with the Board Attorney, whether or not to release the record.

c. A request for access to personnel records that are classified as confidential by Policy No. 8320 shall be reported to the Superintendent and shall be released only if:

(1) The employee concerned has consented to inspection of his/her file, or

(2) The law enforcement officer presents a warrant authorizing a search or certain confidential records from the file.

(3) The Superintendent may consult with the Board Attorney prior to releasing any personnel records that are classified as confidential.

d. A request for access to student records that are classified as confidential by law and by Policy No. 8330 shall be reported to the Superintendent and shall be released only if:

(1) The adult student concerned or parent(s) or legal guardian(s) of the minor student concerned has consented in writing to the inspection; or

(2) The police officer presents to the Superintendent a court order authorizing access to the record; or

(3) The adult student concerned or parent(s) or legal guardian(s) of the minor student concerned has been given at least three days written notice of the name of the requesting agency and the records requested and has not obtained a judicial order barring access.

(4) The Superintendent may consult with the Board Attorney prior to releasing any student records that are classified as confidential.

3. A request by law enforcement officials to interrogate students, on school premises or while under the protection of the school, shall be handled as follows:

a. The police officer shall be required to ask the Principal for access to the student, regardless of the student's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.

b. The Principal shall ask the police officer to delay the interrogation or conduct the interrogation away from school. In general, it should not be necessary to conduct an interrogation in school unless the matter involves:

(1) A crime committed in school; or

(2) An investigation that would be compromised without the interrogation in school; or

(3) An endangerment to the lives or safety of students or other persons; or

(4) Other reasons law enforcement officials believe an interrogation must be conducted in school and cannot wait until the student is away from school.

c. The Principal shall make every reasonable effort to notify the student's parent(s) or legal guardian(s) of the request by law enforcement officials to interrogate the student while in school to receive the parent's or legal guardian's consent to permit the student to be interrogated before the interrogation.

(1) The Principal will permit the interrogation if the parent(s) or legal guardian(s) consents to the interrogation.

(2) The Principal will delay the interrogation in the event the parent(s) or legal guardian(s) requests to be present during the interrogation.

(3) The Principal will deny the law enforcement official an interrogation if the parent(s) or legal guardian(s) cannot be contacted or if the parent(s) or legal guardian(s) does not consent to the interrogation.

(4) In the event the interrogation is not denied by the Principal for the reasons in (3) above, the Principal will immediately contact the Superintendent, who will contact the Board Attorney to determine the Principal's and school district's legal responsibilities under the circumstances of law enforcement's request for the student to be interrogated in school.

d. A student shall not be removed from school for interrogation unless:

(1) The student has been lawfully arrested; or

(2) The adult student or the parent(s) or legal guardian(s) of a minor student has consented to the removal.

4. All searches and seizures of students, their property and personal effects conducted by school staff must comply with the standards prescribed by the United States Supreme Court in New Jersey v. T.L.O. 469 U.S. 325 (1985) and in compliance with Policy No. 5770.

a. Any questions concerning searches conducted by school officials shall be directed to the County Prosecutor.

b. A school official may request that law enforcement authorities assume responsibility for conducting any search or seizure.

c. No school staff member will impede any law enforcement officer engaged in a lawful search, seizure or arrest whether pursuant to a warrant or otherwise.

d. School staff will permit law enforcement authorities upon their arrival to assume responsibility for conducting any search or seizure.

e. All inspections of lockers, desks or other objects or personal property on school grounds involving the use of law enforcement, drug-detection canines may only be undertaken with the express permission of the County Prosecutor or the Director of the Division of Criminal Justice in the New Jersey Department of Law and Public Safety.

f. Any questions concerning the legality of any contemplated or ongoing search, seizure or arrest conducted by a law enforcement officer on school grounds shall be directed to the County Prosecutor or, in the case of search, seizure or arrest undertaken by the Division of Criminal Justice, to the assigned Assistant Attorney General.

5. The Superintendent and Building Principal will cooperate with law enforcement authorities in the planning and conduct of undercover school operations.

a. The Superintendent shall approve such undercover operations without prior notification to the Board of Education in accordance with N.J.A.C. 6A:16-6.2(a)6.i.

b. All information relative to any undercover school operation shall be kept strictly confidential by the Superintendent and the Building Principal and may not be divulged to any person without the express approval of the County Prosecutor.

c. The Superintendent and/or Building Principal must immediately inform the County Prosecutor in the event it becomes known by such authorized school official(s) that any information regarding the existence of an undercover operation has been revealed.

6. A request or attempt to arrest a student, on school premises or while under the protection of the school, shall be handled as follows:

a. The police officer shall be required to ask the Principal for access to the student, regardless of the student's location in or about school premises or on a school-sponsored trip or at a school-sponsored event.

b. The police officer shall not be permitted to arrest or take custody of a student unless:

(1) The Principal lawfully requests the removal of the student; or

(2) The officer has probable cause to arrest the student for a felony; or

(3) The officer has an arrest warrant or a judicial order requiring the custody of the student.

c. The Principal shall request the police officer to defer the arrest to another time and place or, if that is not possible, to take steps to protect the student's privacy, such as taking custody in a private place or assigning the taking of custody to a nonuniformed police officer or a school security officer.

d. The Principal shall make every reasonable effort to notify the student's parent(s) or legal guardian(s) of the impending arrest.

e. The Principal shall determine the place to which the student will be removed and held in custody or detention and will so inform the parent(s) or legal guardian(s).

f. Notwithstanding anything to the contrary in this Regulation, a police officer has the legal right to take direct and unhindered action in the school.

(1) In an emergency situation, where the commission of a crime or offense involving felony or a serious breach of the peace in school has been witnessed by the officer, or

(2) The police officer is in "hot pursuit" of the student for such a crime.

g. In any situation in which a police officer takes direct action, the Principal shall be promptly notified.

E. Reporting Students or Staff Members to Law Enforcement

1. Subject to the provisions of N.J.A.C. 6A:16-6.5, any staff member having reason to believe that a student or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, on or within 1,000 feet of the outermost boundary of the school property pursuant to N.J.S.A. 2C:35-7, shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.

a. Either the Principal or the responsible staff member shall notify the Superintendent, who in turn shall notify the Police Department as soon as possible.

b. The Superintendent will provide to the Police Department and/or County Prosecutor all known information concerning the matter, including the identity of the student or staff member involved.

c. The Superintendent and/or Principal will not disclose the identity of any student or staff member who has voluntarily sought treatment or counseling for a substance abuse problem provided the student or staff member is not currently involved or implicated in drug distribution activities.

d. An admission by a student or staff member in response to questioning initiated by the Principal or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids or drug paraphernalia by the Principal or teaching staff member, shall not constitute a voluntary, self-initiated request for counseling and treatment.

2. The Principal, or in the absence of the Principal the staff member responsible at the time of the alleged violation, will report to the police department. Whenever any staff member develops reason to believe that a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 U.S.C. section 921, or other deadly weapon, whether enumerated in N.J.S.A. 2C:39-1(r) or not, except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 U.S.C. section 921, has unlawfully been brought onto school property, or that any student or other person is in unlawful possession of a firearm or other deadly weapon, whether on or off school property, or that any student or other person has committed an offense with or while in possession of a firearm, whether or not such offense was committed on school property or during school operating hours.

   a. Either the Principal or the responsible staff member shall notify the Superintendent, who shall notify the Police Department as soon as possible.

   b. The Superintendent will provide to the Police Department all known information concerning the matter, including the identity of the student or staff member involved.

3. The Superintendent and/or the Principal will immediately notify the Police Department whenever any school staff member in the course of his or her employment develops reason to believe that a student has threatened, is planning, or otherwise intends to cause death, serious bodily injury or significant bodily injury to another person under circumstances in which a reasonable person would believe the student genuinely intends at some time in the future to commit the violent act or carry out the threat.

4. The Superintendent and/or the Principal will immediately notify the Police Department whenever any school employee in the course of his or her employment develops reason to believe that a crime involving sexual contact or criminal sexual conduct has been committed on school property, or by or against a student during school operating hours or during school-related functions or activities.

5. School employees will immediately notify the Principal and/or Superintendent when in the course of their employment they develop reason to believe that a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property. This notification is required whether or not such offense was or is to be committed during school hours. This notification is also required if a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on or off school property or during school hours.

    a. The Principal and/or Superintendent will promptly notify the Police Department and the Bias Investigation Officer for the County Prosecutor's office in the instances described above.

    b. The Principal and/or Superintendent will immediately notify the Police Department and the Bias Investigation Officer for the County Prosecutor's office where there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe that a life has been or will be threatened.

F. Handling of Substances, Firearms and Other Items

1. Any school employee who seizes or discovers any substance or item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn the substance or item over to the Principal or designee.

    a. The Principal or designee shall immediately notify the Superintendent or designee who shall notify the Police Department.

    b. The school employee, Principal or designee shall safeguard the substance or paraphernalia against further use or destruction and shall secure the substance or paraphernalia until such time as the substance or paraphernalia can be turned over to the appropriate law enforcement officials.

    c. The Principal will provide to the County Prosecutor or designee all information concerning the manner in which the substance or paraphernalia was discovered or seized, including:

(1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and

(2) The identity of any student or staff member believed to have been in possession of the substance or paraphernalia.

d. The Principal will not disclose the identity of any student or staff member who on his or her own initiative turned over the substance or paraphernalia to a school employee, provided that there is reason to believe that the student or staff member was involved with the substance or paraphernalia for the purpose of personal use, not distribution activities, and further provided that the student or staff member agrees to participate in an appropriate treatment or counseling program.

An admission by a student or staff member in response to questioning initiated by the Principal or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia by the Principal or teaching staff member will not constitute a voluntary self-initiated request for counseling and treatment.

2. Whenever a school employee seizes or comes upon any firearm or dangerous weapon, school officials will:

a. In the case of a firearm, immediately advise the Police Department and secure the firearm pending the response by the Police Department to retrieve and take custody of the firearm; and

b. In the case of a dangerous weapon other than a firearm, immediately advise the Police Department and secure the weapon pending the response by the Police Department to retrieve and take custody of the dangerous weapon.

3. School employees having custody of a firearm or dangerous weapon shall take reasonable precautions to prevent the theft, destruction or unlawful use of the firearm or dangerous weapon by any person.

G. Confidentiality of Student or Staff Involvement in Substance Abuse Intervention and Treatment Programs

1. All information concerning a student's or staff member's involvement in a school intervention or treatment program for substance abuse shall be kept strictly confidential, according to the requirements of 42 CFR Part 2 and N.J.S.A. 18A:40A-7.1 and 7.2.

2. Nothing in this Regulation shall be construed in any way to authorize or require the transmittal of any information or records which are in the possession of a substance abuse counseling or treatment program.

3. The Principal will not disclose to law enforcement officials or to any person other than a member of the local district's comprehensive alcohol, tobacco and other drug abuse program that a student or staff member has received or is receiving services through the local district's comprehensive alcohol and other drug abuse program. The Principal will not disclose any information, including the student's or staff member's identity or information about illegal activity, where such information was learned in the course of or as a result of services provided through the local district's comprehensive alcohol and other drug abuse program.

4. Nothing in this Regulation shall be construed to preclude the disclosure of information about illegal activity that was learned by any school employee outside of the local district's comprehensive alcohol and other drug abuse program.

   Any such information about illegal activity shall be reported according to the requirements of this Regulation and N.J.A.C. 6A:16-6.3 and 6.4.

H. Records

1. The Principal shall report to the Superintendent each incident involving an interrogation, search, or arrest of a student by a law enforcement agent.

2. The Principal shall record in writing and enter in the student's file:

   a. The date, time, place, and circumstances of the incident;

   b. The name of the officer and the law enforcement agency he/she represents;

   c. The name of the student;

   d. The notification or attempt to notify the student's parent(s) or legal guardian(s); and

   e. An anecdotal description of the incident, including such information regarding its conduct as may be necessary to show that the student was fairly or unfairly treated.

I. In-Service Training

The Superintendent will develop, in conjunction with the Building Principal(s), the County Prosecutor's Office and the Police Department, in-service training for school staff regarding Policy and Regulation 9320.

J. Agreement or Memorandum of Understanding With Law Enforcement

1. The Superintendent and Police Department will meet on a regular basis, or at least annually, to discuss the implementation and need for revising the Agreement or Memorandum of Understanding and to review the effectiveness of the policies and procedures implemented in accordance with N.J.A.C. 6A:16-6.1 et seq.

2. Any Agreement or Memorandum of Understanding between the Board of Education and Law Enforcement Officials will be approved by the Board of Education and will be submitted to the Police Department, County Prosecutor and County Superintendent of Schools.

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R 9324 SEX OFFENDER REGISTRATION AND NOTIFICATION

A. Definitions

1. Tier One Offender - An offender that is a "low risk of re-offense", thus constituting a low risk of harm to the community. This offender is one who, because of the type of crime, the lack of violence in his/her behavior, the lack of a substantial criminal history and the existence of ties to the community presents no more than a possible risk of re-offense.

2. Tier Two Offender - An offender who is a "moderate risk of re-offense", thus constituting a moderate risk of harm to the community in that the pertinent documents demonstrate that they are reasonably likely to re-offend, warranting limited notice for the protection of the public.

3. Tier Three Offender - An offender who is a "high risk of re-offense" in that the available record demonstrates that there is a probable risk of re-offense, warranting notice to the community likely to encounter the offender.

4. Likely To Encounter - Law enforcement agencies, community organizations or members of the community who are in a location or in close geographic proximity to a location which the offender visits or can be presumed to visit on a regular basis.

5. Fair Chance to Encounter - The types of interaction which ordinarily occur at that location and other attendant circumstances demonstrate that contact with the offender is reasonably certain.

B. Notification To School District From the Law Enforcement Agency/County Prosecutor's Office

1. The Superintendent and the Building Principal(s) of the targeted schools will be notified by the Prosecutor's Office, without the need to register to be notified, for all sex offenders classified as Tier Two or Tier Three Offenders. Local law enforcement agencies and/or the County Prosecutor's Office will determine there is a "fair chance to encounter" the offender in determining community notification. In any event the Superintendent and the Building Principal(s) will be notified for all Tier Two and Tier Three Offenders.

2. The Building Principal(s) are entitled to receive the offender's name and a recent photograph, along with a physical description, the offense of which he/she was convicted, their address, place of employment and/or schooling, and vehicle license number.

3. The County Prosecutor's Office determines the specific schools, community organizations and residences to receive notification.

4. The County Prosecutor's Office and/or the appropriate law enforcement office will notify the Superintendent and the Principal of the targeted school(s). The Superintendent should not notify the target school(s), but may contact the Prosecutor's Office if the Superintendent thinks that a school in the notification area has been inadvertently omitted.

C. School District Procedure Upon Notification From the Law Enforcement Agency/County Prosecutor's Office

1. The Building Principal(s) will have the discretion to make the determination as to which employees within the school should be informed of the notification. The Building Principal should share the notice with any person who in the course of the duties of his/her employment or assignment is regularly in a position to observe unauthorized persons in or near the property of the notified school. If any persons to be notified by the Building Principal are employees of private contractors, the Principal or the Superintendent will notify the private vendor who will provide notice to the employees. The Building Principal will take appropriate steps to educate and alert those staff members who are charged with the care and supervision of children, emphasizing that this information is intended to assist staff members in the protection of their charges, not to provide notification to the community at large.

2. The Building Principal, in conjunction with the appropriate law enforcement agency and the County Prosecutor's Office will provide information, along with appropriate advice regarding the safeguarding of the school's children.

3. All school district staff are prohibited from releasing any of this information to the public at large. All inquiries from community members, non-affected school staff, all parent(s) or legal guardian(s) and other members of the general public shall be directed to the appropriate law enforcement agency and/or the County Prosecutor's Office.

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