

**SPRINGFIELD BOARD OF EDUCATION
REGULAR PUBLIC MEETING MINUTES**

July 29, 2024

VISION STATEMENT

Cultivating, compassionate, and extraordinary learners.

MISSION STATEMENT

Springfield Public Schools will challenge every student through meaningful, engaging experiences – empowering all students to flourish and contribute in an evolving world.

A. CALL TO ORDER AND STATEMENT- President Meredith Murphy

President's Statement: Pursuant to the New Jersey Open Public Meetings Act, Public Law 1975, Chapter 231, the Board Secretary caused notice of the meeting to be given to the public and the press on January 3, 2024 and revised on February 16, 2024. The public comment format for this meeting is as follows – attendees wishing to comment during the public sessions will state their name and address. The President of the Board of Education will recognize the attendee at the appropriate time. All of the Board's Policies and Regulations related to public participation in board meetings shall remain in effect, including, but not limited to, the presiding officer's ability to limit each statement made by a participant to a 3- minute duration.

B. ROLL CALL

Vice President Laura Gamarekian-absent

Mrs. Adriana Silva

Mr. Jerry Fernandez- absent

Mrs. Hilary Turnbull

Mr. Hector Munoz- absent

Mrs. Yelena Zolotarsky

Mrs. Kristy Rubin

President Meredith Murphy- absent

Mrs. Paula Saha

C. CLOSED SESSION

RESOLVED, That the Springfield Board of Education meeting hereby convenes to executive session pursuant to P.L. 1975 chapter 231 for discussion of the following subjects:

1. Personnel Matters- The Superintendent updated the Board an ongoing personnel matter.
2. Negotiations- The Superintendent updated the Board on negotiations.

It is anticipated that the executive session will take approximately 30 minutes; the Board may take action during public session. The Board shall return to public session, following executive session, at approximately 7 p.m. The minutes of the executive session shall be released to the public when the reason for the executive session no longer exists.

Motion to go into executive session:

Moved: Mrs. Rubin

Seconded: Mrs. Turnbull

Time: 6:44 PM

Voice Vote: AYE-5 NAY-0

Motion to return to public session:

Moved: Mrs. Rubin

Seconded: Mrs. Turnbull

Time: 7:05 PM

Voice Vote: AYE- 5 NAY-0

D. PLEDGE OF ALLEGIANCE

E. COMMUNICATIONS

In the Board Packet, Ms. Calas noted that the Board received articles on the following topics: state and federal decisions affecting NJ schools, school segregation lawsuit, opinions of NJ student mental health programs, State BOE changes, advancement of literacy bill, electric school bus bill, and school ethics decisions, NJ School Boards is also offering webinars in August. Ms. Calas read in the addenda.

F. MINUTES

The Superintendent recommends:

1. To approve the following minutes:

Executive Meeting – June 24, 2024

Regular Meeting – June 24, 2024

Approval of the Minutes

Motion to Approve: Mrs. Rubin

Seconded: Mrs. Turnbull

Voice Vote: AYE- 4 NAY-0 (Abstention 1- Saha)

G. SUPERINTENDENT'S REPORT

1. Student Representative Report
 2. Student/ Staff Recognitions
 3. Community Updates
 4. HIB Report (The Board will go into closed session at the end of the meeting if specific clarification is needed.)
 5. Building Use Request
 6. Student Teacher Internships
- Mrs. Scudero provided a summary of the Bulldog Summer Olympics and other summer school activities. Mrs. Garrod was acknowledged for her work coordinating the program.
 - Facilities updates were provided.
 - The District will undergo the reregistration process.
 - Calendar updates were provided.
 - Ms. Scudero shared curriculum updates.

Approval of the Superintendent's Report, as presented

Motion to Approve: Mrs. Rubin

Seconded: Mrs. Turnbull

Voice Vote: AYE- 5 NAY-0

H. PUBLIC SESSION ON AGENDA ITEMS

None

I. BOARD GOVERNANCE, POLICY, AND COMMUNICATIONS COMMITTEE- Mrs. Saha

Items 1 through 17 and Addenda Items 38 through 42

The Superintendent recommends:

1. Staff Appointment

To approve the following staff appointments:

- a. Emma Linthicum*, Elementary Special Education Teacher, EVW, September 1, 2024 - June 30, 2025 at Step 2- BA, \$60,647.
Account:11-213-100-101-00-09

- b. Christopher Feria-Nolasco*, Custodial/Maintenance Foreman, District, on/about October 1, 2024 - June 30, 2025 at \$62,000.
Account:11-000-261-100-94-10
- c. Kristie Peters*, Instructional Aide, Itinerant, September 1, 2024 - June 30, 2025 at \$20.62/hr..
Account:11-000-216-106-00-09
- d. Heidi Matthews*, Leave Replacement Teacher, EVW, September 1, 2024 - November 26 2024 at Step 1-MA, \$64,980.
Account:11-120-100-101-01-09
- e. Sulaiman Thomas*, Custodian, Itinerant, on/about September 1, 2024 - June 30, 2025 at Step 1- Cus at \$44,683 + \$1,590 (NS Stipend).
Account:11-000-262-100-95-10
**Pending Criminal History Background Check Clearance*

2. Staff Resignation

To accept the following resignation:

- a. Kathleen Silance, Media Aide, JC, effective June 20, 2024.
- b. Gillian Morrison, Math Teacher, FMG, effective June 30, 2024.
- c. Amanda Livesey, Music Teacher, JC, effective June 30, 2024.
- d. Ashley Cicchino, Guidance Counselor, EVW, June 30, 2024
- e. Christina Marchese, Guidance Counselor, TLS, June 30, 2024.
- f. Colleen Cusick, English Teacher, JDHS, June 30, 2024.
- g. Lynette Cepeda, Bus Driver, Itinerant, June 30, 2024

3. Staff Appointment Rescission

To approve the following rescission of staff appointment:

- a. Anthony Mancuso, Custodial/Maintenance Foreman, District
- b. Diana Santos, School Nurse, TLS

4. District Substitutes

To approve additional substitutes for the 2024-2025 school year. NJ Certified Teachers- \$135/day, Sub Certified- \$125/day, Paraprofessionals- \$20/hr., Secretary- \$20/hr., Custodian- \$20/hr., Nurse- \$190/day, Bus Driver- \$25/hr.

TEACHER

Debra Klein	Sub Certified	N-12
Marc Pereira	Sub Certified	N-12
Sattie Glowacki	Sub Certified	N-12
Maria Taub	Sub Certified	N-12
Neelanjana Sarker	Sub Certified	N-12
Brianne Willis	Sub Certified	N-12
Rosemary Rogers	NJ Certified	N-12

AIDE

Susan Cohen

5. Leave of Absence Request

To approve the following leave of absence requests:

a.

Name	Leave Request	Dates	Rate
Samuel Pough	FMLA - Intermittent	4/27/2024 – 12/27/2024	Full salary; accumulated sick days

b.

Name	Leave Request	Dates	Rate
Staci Rosenstock	Personal	9/3/2024 – 6/30/2025	Unpaid
Lauren Gigante	Maternity Leave	11/27/2024 - 1/2/2025	Unpaid

6. Home Instructors

To approve the following home instructor for the 2024-2025 school year as needed, rate of \$44.54:

a. Jacqueline Stoller

Account number: 11-150-100-101-63-11

Cost not to exceed: \$15,000

7. New Staff Orientation

To approve the following staff to provide to provide new staff orientation professional development at a rate of \$59.93/hr. up to 5 hours each:

a. Gillian Dillard

b. Deborah Ricardo

Account Number: 20-270-200-100-41-12 (Title IIA)

8. Summer Curriculum Writing

To approve the following staff for Summer Curriculum Writing staff shall be paid in accordance with SEA agreement at a teacher rate: \$46.62

Name	Position	Course	Hours
Alyssa Schultz	Summer Curriculum Writing	Grades K-5 ELA	Up to 15 hours

Account Number: 11-120-100-101-80-04

9. Summer Guidance Counselor

To approve the following staff for summer hours at their contractual rate of \$61.29/hr:

Name	Hrs./Days	Dates	Rate*	Account
Darlene Hill	Up to 80 hours	6/25/2024 - 8/31/2024	\$61.29/hr	11-000-218-104-02-14
Jacqueline Ritter	Up to 80 hours	6/25/2024 - 8/31/2024	\$61.29/hr	11-000-218-104-02-14
Stephanie Renelle	Up to 80 hours	6/25/2024 - 8/31/2024	\$61.29/hr	11-000-218-104-02-14

Name	Hrs./Days	Dates	Rate*	Account
William Douma	Up to 60 hours	6/25/2024 - 8/31/2024	\$61.29/hr	11-000-218-104-02-06
Lilian Chou		6/25/2024 - 8/31/2024	\$61.29/hr	11-000-218-104-02-06

10. Before/After School & Childcare

To approve the following staff appointment for the 2024-2025 school year:

Name	Position	Rate
Carmela Silvestro	Group Aide – Before/After Care	\$16.75/hr – Revised
Alexis Rodriguez	Substitute Group Leader – Before/After Care	\$25.01/hr.
April Adams	Substitute Group Leader – Before/After Care	\$25.01/hr.
Caitlyn Mannino	Substitute Group Leader – Before/After Care	\$25.01/hr.
Caitlyn Mannino	Substitute Group Leader – Child Care	\$25.01/hr.

11. Athletic Event

To approve the following athletic event staff for the 2024-2025 school year. Event Staff: \$30.63:

Staff Name
Tina Ferreira
Kim Cieri
Kathy Signorelli

12. Co-Curricular/ Club Advisors 2024-2025

To approve the following co-curricular/ club advisor's appointments at JDHS:

Name	Position	Rate	Dates
Ashley Bauers	Concert Director	\$43.96/hr	9/1/2024 - 6/30/2025
Ben Krupit	Concert Director	\$43.96/hr	9/1/2024 - 6/30/2025
Dave Hilton	Concert Director	\$43.96/hr	9/1/2024 - 6/30/2025
Megan Theobald	Concert Director	\$43.96/hr	9/1/2024 - 6/30/2025
Mary Tarnacki	Site Manager	\$43.96/hr	9/1/2024 - 6/30/2025
Stephanie Hernandez	Musical Director	\$5,195.00	9/1/2024 - 6/30/2025
Stephanie Hernandez	Fall Drama Director	\$4,796.00	9/1/2024 - 6/30/2025
Benjamin Krupit	Pit Director	\$1,250.00*	9/1/2024 - 6/30/2025
Ashley Bauers	Co-Producer	\$1,375.00*	9/1/2024 - 6/30/2025
Jaclene Santone	Co-Producer	\$1,375.00*	9/1/2024 - 6/30/2025
Megan Theobald	HS Choreographer	\$4,129.00	9/1/2024 - 6/30/2025
Victoria Fortna	Musical Vocal Consultant	\$100/hr up to \$2,000*	9/1/2024 - 6/30/2025

Account Number: 11-401-100-100-45-14 ; *Paid from Student Activities Account

13. Chaperone/Detention Staff

To approve the following JDHS staff for the 2024-2025 school year. Detention Rate: \$30.63; Chaperone: \$30.63:

Name	Position	Name	Position
Christopher Adams	Chaperone/Detention	Adelina Lico	Chaperone/Detention
Samantha Ally	Chaperone/Detention	Judith Malino	Chaperone/Detention
Marc Aranguren	Chaperone/Detention	Robert Martin	Chaperone/Detention
Bryan Balletto	Chaperone/Detention	Alexis Mojka	Chaperone/Detention
Jennifer Beal	Chaperone/Detention	Christopher Moore	Chaperone/Detention
Tatiana Belgrod	Chaperone/Detention	Erica Moore	Chaperone/Detention
Mandee Bellarosa	Chaperone/Detention	Kendra Newman	Chaperone/Detention
Sue Breen	Chaperone/Detention	Michael O'Brien	Chaperone/Detention
Stephanie Carlson	Chaperone/Detention	Cheryl Paolino	Chaperone/Detention
Yosvani Cespedes	Chaperone/Detention	Jeanine Pentz	Chaperone
Ning Chi	Chaperone/Detention	Mary Ellen Powers	Chaperone/Detention
Karyn Chomko	Chaperone/Detention	Stephanie Renelle	Chaperone
Josephine Cioffi	Chaperone/Detention	Barbara Reynolds	Chaperone/Detention

Gregory Coward	Chaperone/Detention	Jacqueline Ritter	Chaperone
Marc Cugliari	Chaperone/Detention	Jillian Rose	Chaperone/Detention
Laure D'Angelo	Chaperone/Detention	Tracey Saladino	Chaperone/Detention
Anthony DeNicolo	Chaperone/Detention	Katherine Salmon	Chaperone/Detention
Sandra Diez	Chaperone/Detention	Danielle Simon	Chaperone
William Doring	Chaperone/Detention	Maria Sista	Chaperone
Erin Fitzpatrick	Chaperone/Detention	David Steinman	Chaperone/Detention
Wendy Garrod	Chaperone/Detention	Jacqueline Stoller	Chaperone/Detention
Darlene Hill	Chaperone	Mary Tarnacki	Chaperone/Detention
David Hilton	Chaperone/Detention	Megan Theobald	Chaperone/Detention
Veronica Hofman	Chaperone/Detention	Kerry Thorburn	Chaperone/Detention
Rachel Hough	Chaperone/Detention	Brianne Triano	Chaperone
Nicholas Iannacone	Chaperone/Detention	Matthew Van Deursen	Chaperone/Detention
Benjamin Krupit	Chaperone/Detention	Christopher White	Chaperone/Detention
Melissa Lagemann	Chaperone/Detention	Tina Ferreira	Chaperone
Nathaniel Lazar	Chaperone/Detention	Joshua Boyle	Chaperone/Detention
Regine Rouso	Chaperone	Kim Cieri	Chaperone
Cindy Ferretti	Chaperone	Susan Lies	Chaperone
Ashley Bauers	Chaperone	Bhadresha Bhujle	Chaperone
Rudina Petrela	Chaperone	Daniel Cocco	Chaperone
Candice Schiano	Chaperone	Gregory Salmon	Chaperone
Rebekah Butler	Chaperone/Detention	Jaclene Santone	Chaperone/Detention
Tracy Ruitenber	Chaperone/Detention	Daiana Permison	Chaperone/Detention
Mary Hinton	Chaperone	Christine Lynskey	Chaperone/Detention

14. Harassment/ Intimidation/ Bullying Incident

To affirm the following harassment/intimidation/bullying incidents:

- 090-2324-10
- 090-2324-11
- 060-2324-13

15. Conference Attendance

To approve the following conference attendance request and travel related reimbursement:

Attendee	Conference	Dates
a. Rachel Goldberg	NJSBA Workshop 2024	October 21 – 24, 2024
b. Michelle Calas		
c. Erica Scudero		
d. Tiffany Boehm		
e. Laura Gamarekian		
f. Kristy Rubin		
g. Jerry Fernandez		
h. Hilary Turnbull		
i. Yelena Zolotarsky		
j. Chihui Seo-Alfaro		

Account Number: 11-000-230-580-XX-XX, cost not to exceed \$5,000.00

16. Board Attorney

WHEREAS, there exists from time to time a need for Legal Services for the Board of Education, and
WHEREAS, funds are available for this purpose, and
WHEREAS, the Public School Contracts Law (NJSA 18A:18A-5) provides for the award of contracts for this type of professional service without competitive bidding, and
WHEREAS, Athina L. Cornell, Esq., of the firm Methfessel & Werbel, P.C., Edison, NJ is well qualified and capable of providing these services,

NOW, THEREFORE, BE IT RESOLVED by the Springfield Board of Education, that Athina L. Cornell, Esq., of the firm Methfessel & Werbel, P.C., Edison, is hereby appointed legal service/ labor relations attorney (7/15/2024 – 12/31/2024). All legal fees will be billed at \$170 per hour.

17. District Policies – 1st Reading

To approve the following district policies and regulations for first reading:

- a. P2419 - Commercial Driver's License Controlled Substance and Alcohol use Testing (M)
- b. P5111 – Eligibility of Resident/Nonresident Students (M)
- c. Reg 5111 – Eligibility of Resident/Nonresident Students (M)
- d. P6470.01 – Electronic Funds Transfer and Claimant Certification (M)
- e. Reg 6470.01 – Electronic Funds Transfer and Claimant Certification (M)
- f. P8600 – Student Transportation (M)

ADDENDA

I. BOARD GOVERNANCE, POLICY, AND COMMUNICATIONS COMMITTEE

38. Resignation

WHEREAS, upon the recommendation of the Superintendent of Schools, on May 11, 2020, #2515 was terminated from the position of Social Worker with the Board; and
WHEREAS, the termination effective May 11, 2020 shall be rescinded; and

WHEREAS, the termination shall be converted to a "voluntary resignation" effective May 11, 2020.
NOW THEREFORE,

BE IT RESOLVED, upon the recommendation of the Superintendent, the Springfield Board of Education authorizes 1) the termination effective May 11, 2020 to be rescinded, and 2) be converted to a voluntary resignation effective May 11, 2020.

39. Settlement Agreement

To approve the settlement agreement and release of employee #2515.

40. Staff Appointment

To approve the following staff appointments.

- a. Susan Menk*, Leave Replacement Art Teacher, FMG, September 1, 2024 – December 9, 2024 at Step 1- MA, \$64,980.
Account: 11-130-100-101-01-10

**Pending Criminal History Background Check Clearance*

41. Professional Development

To approve the following personnel to participate in professional development:

Attendee	Training Course	Location	Dates	Cost
Ron Slate	LinkIt 2024 Data Forward Summer Institute	Hillsborough	July 24&25, 2024	\$350
Dr. Norman Francis	LinkIt 2024 Data Forward Summer Institute	Hillsborough	July 24&25, 2024	\$350
Jonathan Firetto	LinkIt 2024 Data Forward Summer Institute	Hillsborough	July 24&25, 2024	\$350
Chihui Seo-Alfaro	LinkIt 2024 Data Forward Summer Institute	Hillsborough Washington	July 25, 2024 & August 14, 2024	\$350
Timothy Kielty	LinkIt 2024 Data Forward Summer Institute	Holmdel	July 30&31, 2024	\$350
David Rennie	LinkIt 2024 Data Forward Summer Institute	Holmdel	July 30&31, 2024	\$350
Tiffany Boehm	LinkIt 2024 Data Forward Summer Institute	Ramsey	August 7&8, 2024	\$350
Erica Scudero	LinkIt 2024 Data Forward Summer Institute	Ramsey	August 7&8, 2024	\$350
Dr. Rachel Goldberg	LinkIt 2024 Data Forward Summer Institute	Ramsey	August 7&8, 2024	\$350

Account Number:20-270-200-300-41-12 (Title IIA)

42. Athletic Coaches

To approve the following athletic coaches for the 2024-2025 school year:

Head Girls Tennis Coach	Brianne Willis	\$6,128
Assistant Girls Tennis Coach	Ashley Campos	\$3,463

Account Number: 11-402-100-100-46-14

Approval of Board Governance, Policy, and Communications Items 1 through 17 and Addenda Items 38 through 42

Motion to Approve: Mrs. Saha

Seconded: Mrs. Turnbull

Roll Call

Vice President Laura Gamaekian	Absent	Adriana Silva	Yes
Jerry Fernandez	Absent	Hilary Turnbull	Yes
Hector Munoz	Absent	Yelena Zolotarsky	Yes
Kristy Rubin	Yes	President Meredith Murphy	Absent
Paula Saha	Yes		

J. SCHOOL ADMINISTRATION, ACADEMIC PROGRAMS, AND ATHLETICS COMMITTEE-

Vice President Gamarekian

Items 18 through 29

The Superintendent recommends:

18. Special Education Related Services/ Placements

To approve the following tuition contracts for educational and related service(s) for the 2024-2025 school year.

School	Student/s	ESY Tuition Services	ESY Aide	SY Tuition	SY Aide	Total
Barnstable Academy	1819			\$77,069.00		\$77,069.00
Mount Carmel Guild Schools Corp.	0108	\$6,200.00	\$2,460.00	\$55,800.00	\$22,140.00	\$86,600.00

19. Special Education Related Services/ Placements

To approve the following tuition contracts for educational and related service(s) for the 2023-2024 school year.

School	Student/s	ESY/Tuition Services	ESY Aide	SY Tuition	SY Aide	Total
Bancroft	0820			\$463.00	\$220.00	\$683.00

Account Number: 11-000-100-566-98-11

20. Professional Services 24-25

To enter into a contract with Swing Education for substitute requests for the 2024-2025 school year.

21. Professional Services 23-24

To approve the following professional services contracts for the 2023-2024 school year:

Vendor	Services	Original	Change	Cost Not to Exceed
Children's Specialized Hospital #	OT Services	\$ 87,172.09	\$ 8,395.00	\$ 95,567.09
Children's Specialized Hospital #	Speech Services	\$ 45,703.88	\$2,000.00	\$47,703.88

Account Number: # 11-000-216-320-55-11

22. Education Programs 24-25

To approve the following education programs for the 2024-2025 school year:

Student(s)	Vendor	Services	Dates	Cost not to exceed
0109	Teacher Tutors LLC	Bedside Instruction	7/01-8/15/2024	\$4,000.00

Account Number: 11-150-100-320-63-11

23. Education Programs 23-24

To approve the following education programs for the 2023-2024 school year:

Student	Vendor	Services	Original	Change	Cost not to exceed
0202	Brookfield School/For KEEPS	Home Instruction	\$2,000.00	\$1,500.00	\$3,500.00

Account Number: 11-150-100-320-63-11

24. Grant**a. Expanding Access to Computer Science High School Courses**

To authorize the Springfield Board of Education to accept additional funds for the Computer Science High School course grant program. Total allocation (\$23,201)

b. IDEA Applications FY 2025

To authorize the Springfield board of Education to submit its application for the Individuals with Disabilities Education Act, Part B (IDEA-B) for both basic (\$496,223) and preschool (\$18,545) FY2025 and accept the grant awards of these funds upon the subsequent approval of the FY 2025 application.

c. ESEA Consolidated Grant

To approve the submission of the following ESEA Consolidated Grant application for the fiscal year (FY) 2025, and accept the grant awards of these funds upon the subsequent approval of the FY 2025 application in the following amount:

Title I	\$ 99,799
Title II-A	\$ 39,013
Title III immigrant	\$ 4,172
Title II	\$ 10,992
Title IV	\$ 10,000
ESEA TOTAL	\$ 163,976

25. Language Instruction Educational Program (LIEP)

To approve the Language Instruction Educational Program (LIEP) three – year plan.

26. Chapter 27 Emergency Virtual or Remote Plan

To approve the Chapter 27 Emergency Virtual or Remote Instructional Program plan for the 2024-2025 school year.

27. NJPIEP

To authorize joining the New Jersey Preschool Inclusive Education Project (NJPIEP) for the 2024-2025 school year.

28. Curriculum Adoption

To approve the following curriculum and courses for the 2024-2025 school year:

- a. Business Education (9-12)
- b. Career & Technology Education (9-12)
- c. Collegiate Academy (9-12)
- d. Culinary Arts (9-12)
- e. Social Studies (K-12)
- f. World Language (3-5)
- g. Mathematics (K-12)
- h. Physical Education (K-12)
- i. Visual & Performing Arts (K-12)
- j. STEM (K-12)
- k. Preschool Curriculum
- l. Gifted and Talented
- m. Interventionist (K-8)
- n. Guidance
- o. ELA Courses - Revised to reflect the updated NJSLS-ELA standards
 - Grades Kindergarten-5 English Language Arts
 - Grades 6-8 Communication Arts
 - English I
 - English II
 - English III
 - English IV
 - DCA Freshman English
 - AP English 3 Language and Composition
 - AP English 4 Literature and Composition
 - Senior Seminar
- p. Middle School ELA Elective Courses
 - Drama I and II
 - Creative Writing
 - Journalism-Grade 7
- q. High School ELA Elective Courses
 - Creative Writing and Poetry
 - Drama I
 - Film as Literature
 - Journalism - High School
 - Yearbook
 - Tomorrow's Teachers
- r. ESL (K-12)
 - Elementary ESL
 - Middle/High School ESL
- s. Middle and High School World Language Curriculum
 - French 1
 - French 2

- French 3
- French 4
- Spanish 1
- Spanish 2
- Spanish 3
- Spanish 4

t. Florence M Gaudineer Program of Studies

29. Shared Services Agreement

To enter into a contract with Northern Region Educational Services Commission for technology support services (server/network engineer) as needed for the 2024-2025 school year.

Approval of the School Administration, Academic Programs, and Athletics Items 18 through 29

Motion to Approve: Mrs. Saha

Seconded: Mrs. Turnbull

Roll Call

Vice President Laura Gamarekian	Absent	Adriana Silva	Yes
Jerry Fernandez	Absent	Hilary Turnbull	Yes
Hector Munoz	Absent	Yelena Zolotarsky	Yes
Kristy Rubin	Yes	President Meredith Murphy	Absent
Paula Saha	Yes		

K. **FINANCE, FACILITIES, AND SECURITY COMMITTEE**- Mrs. Zolotarsky

Items 30 through 32 and 34 through 37

The Superintendent recommends:

30. Monthly Certification

a. Board Secretary's Monthly Certification, Budgetary Line Item Status

Pursuant to N.J.A.C. 6:20-2.13 (d), I certify that as of June 30, 2024 no budgetary line item account has obligations and payments (contractual orders) which line item account has obligations and payments (contractual orders) which in total exceed the amount appropriated by the district board of education pursuant to N.J.S.A. 18A:22-8 and 18:22-8.1

Board Secretary

Date

b. Board of Education's Monthly Certification, Budgetary Major Account/Fund Status

Pursuant to N.J.A.C. 6:20-2.13 (e), we certify that as of June 30, 2024 after review of the secretary's monthly financial report (appropriations section) and upon consultation with the appropriate district officials that to the best of our knowledge no major account or fund has been over expended in violation of N.J.A.C. 6:20- 2.13(b) and that sufficient funds are available to meet the district's financial obligations for the remainder of the fiscal year. This certification is solely based on the information provided by the School Business Administrator/Board Secretary and is assumed by the board to be correct.

31. Board Secretary/ Treasurer Report

To approve the board secretary/ treasurer reports for the period ending June 30, 2024.

32. Bills List

To approve the check numbers 055306 through 055691 and wire transfers 800236, 889073 through 889080 in the amount of \$4,965,599.70

33. Budget Transfers – *This was pulled because there were not enough Board Members to meet the quorum*

- a. To approve budget transfers for the 2023-2024 school year. (Attachment A)
- b. To approve budget transfers for the 2024-2025 school year.

Account Code	Account Description	To	From
11-000-240-600-82-14	OFFICE SUPPLIES JDHS	20,000.00	
11-190-100-610-00-14	INSTRUCTIONAL SUPPLIES		20,000.00

34. Certificate of Payment

To approve the Certificate of Payment for:

- a. Spartan Construction Inc., South Amboy, NJ payment #6 in the amount of \$97,445.02 to for project number 20433.02. (Roof Replacement & Repairs at High School Fieldhouse)
- b. Academy Construction, Inc., Pompton Plains, NJ Payment #2 in the amount of \$95,446.80 for project number 2023.055. (James Caldwell Interior Basement Renovations).
- c. Zenith Construction Services, Inc., Orange, NJ Payment# 3 in the amount of \$38,184.72 for project number 2023-01 (Edward Walton School Playground sitework)
- d. Salazar & Associates, Inc., Union, NJ Payment #3 in the amount of \$437,860.52 for project #23.047 (Florence M. Gaudineer & Jonathan Dayton Bathroom Renovations)

35. Petty Cash Funds SY 2024-2024

To approve that the Secretary of the Board be directed to establish petty cash funds for the 2024 - 2025 school year as follows, as required by statute:

JDHS Athletics Dept.	\$600.00
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36. Authorization to Execute Contracts with JCP&L

WHEREAS, the Springfield Board of Education (“Board”) is currently undergoing construction related to a project entitled Electrical Upgrades for the Springfield Board of Education (“Project”); and

WHEREAS, to complete the Project, certain utility work must be performed by Jersey Central Power & Light (“JCP&L”);

WHEREAS, the Springfield Board of Education (“Board”) has also tentatively entered into an agreement with Jersey Central Power & Light (“JCP&L”) for an equipment upgrade and utility funding commitment under the Direct Installation Program, for all school facilities;

WHEREAS, JCP&L requests that the Board pass a Resolution specifically granting the Board Administrator, Michelle Calas, the authority to execute contracts related to the performance of the above work;

NOW, THEREFORE, BE IT RESOLVED by the Board, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The Board authorizes JCP&L to take any and all action in connection with the completion of the Project.
3. The Board Administrator, Michelle Calas, is hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

37. Change Order

To approve the Change Order#4 in the amount of \$2,594.33 to Spartan Construction, Inc., South Amboy, NJ for project number 20433.02. (Roof Replacement & Repairs at High School Field House)

Approval of Finance, Facilities, and Security Items 30 through 32 and 34 through 37

Motion to Approve: Mrs. Zolotarsky

Seconded: Mrs. Rubin

Roll Call

Vice President Laura Gamarekian	Absent	Adriana Silva	Yes
Jerry Fernandez	Absent	Hilary Turnbull	Yes
Hector Munoz	Absent	Yelena Zolotarsky	Yes
Kristy Rubin	Yes	President Meredith Murphy	Absent
Paula Saha	Yes		

L. OPEN PUBLIC SESSION

- Jani Jonas, 22 Skylark Road, parents expressed their frustration about the aftercare program. She wanted to know why there are not enough seats for the students She wanted to know about the hiring practices for substitutes.
- Eka Nozadze, 92B Wabeno Ave, asked about the drop off times of elementary schools.
- David Anesta, 21 Molter Ave commented on the school supply lists.
- Dr. Goldberg agreed that a simplified supply lists should be given.
- Dr. Goldberg discussed the realignment and the start times of the schools.
- Mrs. Calas commented on the breakfast program at Caldwell for the upcoming school year.
- Dr. Goldberg commented on the aftercare program. There is a waitlist for the aftercare program. She discussed the substitute process. She appreciated the feedback on improving the substitute recruitment process. Dr. Goldberg noted the amount students in the after care program and those on the waitlist.
- Mrs. Saha commented on the aftercare program and the increase in staffing to support this program.
- Mrs. Scudero commented on the aftercare program.

M. ADJOURNMENT

Moved: Mrs. Rubin

Seconded: Mrs. Turnbull

Time: 7:58 PM

Voice Vote: AYE- 5 NAY-0

Upcoming Meeting

1. Regular Meeting– August 26, 2024 at 7:00PM in the JDHS IMC

Springfield Public Schools Policy

4219 COMMERCIAL DRIVER'S LICENSE CONTROLLED SUBSTANCE AND ALCOHOL USE TESTING (M)

The Board of Education is committed to a safe, efficient, alcohol and drug-free workplace that protects the district's students as well as the health and safety of its employees and the general public.

For School Districts That Have School Buses, Bus Drivers, or Employees Who Operate a School Vehicle Requiring a Commercial Driver's License (CDL)

The Board requires all employees of the Board performing any safety-sensitive function to be free of drugs and alcohol and will test those employees who operate a commercial motor vehicle in accordance with 49 CFR 382 et seq and 49 CFR 40 et seq. For the purpose of this Policy "employee" means a person required to have a Commercial Driver's License (CDL) in the performance of their job responsibilities. Safety-sensitive functions as defined by 49 CFR 382.107 means any time from the time an employee begins to work or is required to be in readiness to work until the time the employee is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at the terminal, facility, other property, or on any public property, waiting to be dispatched, unless relieved from duty;
2. All time inspecting equipment as required by Federal law or otherwise inspecting, servicing, or conditioning any commercial motor vehicle, at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon the commercial motor vehicle except time spent resting in an area defined as a sleeping berth;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded and unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

The Omnibus Transportation Employee Testing Act of 1991 requires all operators of commercial motor vehicles subject to the CDL requirements to be tested for controlled substances and alcohol. Federal regulations of the U.S. Department of Transportation require that any employee using a CDL be required to submit to alcohol and controlled substance testing in accordance with 49 CFR 40.

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The Board designates the transportation coordinator as the Designated Employer Representative (DER) of the Board of Education. The Board may contract with a service agent to provide the testing services as required by Federal law. In the event the Board contracts with a service provider for transportation, the Board designee will ensure all transportation contractors comply with the drug and alcohol testing requirements of Policy 4219 pursuant to 49 CFR 382 et seq. and 49 CFR 40 et seq.

No employee at any work site will possess, manufacture, use, sell, or distribute any quantity of any controlled substance, lawful or unlawful, which in sufficient quantity could result in impaired performance, with the exception of substances administered by or under the instructions of a physician. No employee shall perform safety-sensitive functions within four hours after using alcohol and the district will not permit an employee that used alcohol within four hours of performing safety-sensitive functions to perform such functions if the district has actual knowledge of the use, in accordance with 49 CFR 392.5.

Violations

Any violation of this Policy may result in discipline, up to and including termination.

Prohibited Substances

The presence of any of the controlled substances, listed in 49 CFR 40.87, in the body, as evidenced by the results of the initial screening and subsequent confirmatory analysis provided in this Policy, is prohibited for any employee assigned to a classification covered by this Policy. All cutoff concentrations shall be in accordance with 49 CFR 40.87. All test results shall be measured against the cutoff concentrations outlined in 49 CFR 40.87.

Testing Procedures

All testing for controlled substances will be conducted in accordance with 49 CFR 40, Subparts A, B, C, D, E, F, G, H and I. The district will only test for drugs or classes of drugs in accordance with 49 CFR 40.85. Testing for alcohol will be conducted in accordance with 49 CFR 40, Subparts J, K, L, M and N.

Definitions

“Alcohol use” means the drinking or swallowing of any beverage, liquid mixture or preparation (including medication), containing alcohol.

“Aliquot” means a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

“Confirmatory drug test” means a second analytical procedure performed on an aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

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“Confirmed drug test” means a confirmation test result received by a Medical Review Officer (MRO) from a laboratory.

“Controlled substances” means those substances identified in 49 CFR 40.85.

“CCF” means the Federal Drug Testing Custody and Control Form.

“Designated Employer Representative (DER)” is an employee of the district authorized to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER shall receive test results and other communications for the employer consistent with the requirements of this Policy and 49 CFR 40. Service agents cannot act as a DER.

“FMCSA” means Federal Motor Carrier Safety Administration.

“Initial drug test (also known as a “Screening drug test”)” means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

“Initial specimen validity test” means the first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

“Medical Review Officer (MRO)” is a licensed physician responsible for receiving and reviewing laboratory results generated by the district’s drug testing program and evaluating medical explanations for certain drug test results.

“Possess” includes, but is not limited to, either in or on the driver’s person, personal effects, motor vehicle, or areas substantially entrusted to the control of the driver.

“Service agent” is any person or entity, other than an employee of the Board, who provides services specified under 49 CFR 40 to the Board.

“Substance Abuse Professional (SAP)” is a person who evaluates employees who have violated a Federal or State drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. An individual permitted to act as a SAP must possess the credentials as outlined in 49 CFR 40.281.

“Work Site” means any motor vehicle, office, building, yard, or other location at which the driver is to perform work or any other school district property or at any school district event.

Categories of Testing

For the purpose of this Policy, the occurrence of the following circumstances/instances shall require an employee to submit to a controlled substance and alcohol screening:

1. Pre-Employment Testing

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An individual who has applied for and has been selected to operate a Board vehicle shall, before beginning employment with the Board, submit to a controlled substance screening in conjunction with any required physical examination as per Policy 4160. Such screening shall be conducted in accordance with the procedures set forth in this Policy and 49 CFR 40. No individual receiving a positive confirmed test result will be employed by the Board.

An employer is not required to administer a controlled substances test required by 49 CFR 382.301(a) if:

- a. The employee has participated in a controlled substances testing program that met the requirements of 49 CFR 382 et seq. within the previous thirty days; and
- b. The employee while participating in that program either:
 - (1) Was tested for controlled substances within the past six months (from the date of application with the employer); or
 - (2) Participated in the random controlled substances testing program for the previous twelve months (from the date of application with the employer.)
- c. The DER must ensure that no prior employer, to the DER's knowledge, has records of a violation of a controlled substances testing program within the previous six months.

If an individual is so exempted, the DER shall contact the controlled substances testing programs in which the individual participated and shall obtain and retain from the testing program(s) the following information in accordance with 49 CFR 382.301(c):

- a. Name and address of the program;
- b. Verification of the individual's participation;
- c. Verification that the program conforms to Federal guidelines;
- d. Verification the individual qualified under the law and did not refuse to be tested for controlled substances;
- e. The date the individual was last tested for controlled substances; and
- f. The results of any tests taken within the previous six months and any other violations.

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An employee who has applied for and has been selected to operate a Board vehicle or any existing employee transferring into a new position requiring the employee to operate a Board vehicle, shall submit a written consent authorizing the Board to obtain the following information from other employers who have employed the employee during any period during the two years before the date of the employee's application or transfer into the new position. The written consent from the employee will permit the DER to obtain the following information from previous Division of Transportation (DOT)-regulated employers:

- a. Alcohol tests with a result of 0.04 or higher alcohol concentration;
- b. Verified positive drug tests;
- c. Refusals to be tested (including verified adulterated or substituted drug test results);
- d. Other violations of DOT agency drug and alcohol testing regulations; and
- e. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). If this information is not available from the previous employer, the DER must seek to obtain this information from the employee.

The DER will obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, the DER will not permit the employee to perform safety-sensitive functions after thirty days from the date the employee first performed safety-sensitive functions, unless the DER has obtained or made and documented a good faith effort to obtain this information.

2. Random Testing

Every employee shall submit to random alcohol and controlled substance testing on an unannounced and random basis resulting from the selection by a random generation methodology in accordance with 49 CFR 383.305(i). Random testing will be spread reasonably throughout any given calendar year.

The minimum annual percentage rate for random alcohol testing shall be ten percent of the average number of driver positions. The minimum annual percentage rate for random controlled substances testing shall be twenty-five percent of the average number of driver positions. The minimum annual percentage rates may be adjusted as determined by the FMCSA Administrator in accordance with 49 CFR 382.305.

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Employees shall only be random tested when performing safety-sensitive functions or immediately prior to or immediately following the performance of safety-sensitive functions.

3. Post-Accident Testing

The involvement by an employee in a motor vehicle collision while operating a Board vehicle when such accident results in property damage or personal injury, may trigger a post-accident drug and alcohol test.

As soon as practical following an occurrence, the DER will require post-accident alcohol screening for each of the surviving drivers:

- a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or
- b. Who receives a citation within eight hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- c. If the alcohol test is not administered within two hours following the accident, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the DER shall cease attempts to administer the alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

As soon as possible following an occurrence, the district will require post-accident controlled substance screening for each of the surviving drivers:

- a. Who was performing safety-sensitive functions with respect to a vehicle, if the accident involves the loss of human life; or
- b. Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

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- (1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- c. If the controlled substance test is not administered within thirty-two hours following the accident, the DER shall cease attempts to administer the controlled substance test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit for testing. (An employee who is injured in an accident and requires medical care, shall submit to post-accident drug and controlled substance testing by the medical care facility providing the treatment or a designee of the Board if the facility is unable to provide the testing.) Nothing herein shall be construed to prevent the employee from leaving the scene of the accident for the period required to obtain necessary assistance or to obtain emergency medical care.

4. Reasonable Suspicion Testing

The DER shall require an employee to submit to an alcohol and/or controlled substance test when the employee is observed by a supervisor or school official who is trained in accordance with 49 CFR 382.603 and causes the observer to have reasonable suspicion to believe the employee has violated 49 CFR 382 et seq. Reasonable suspicion must exist to require the employee to undergo a test and must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Reasonable suspicion alcohol testing is authorized only if the required observations are made during, just preceding, or just after the period of the work day the employee is required to be in compliance with the testing requirements of 49 CFR 382 et seq.

Reasonable suspicion testing may be required of an employee while the employee is performing, just before the employee will perform, or just after the employee has ceased performing safety-sensitive functions.

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If the alcohol test is not administered within two hours following the determination a reasonable suspicion test is required, the DER will prepare and maintain on file a record stating the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the determination, the DER shall cease attempts to administer the alcohol test and shall state in the record the reasons for not administering the test.

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse. The employee will also not be able to perform or continue to perform safety-sensitive functions until an alcohol test is administered and the employee's concentration measures less than 0.02 or twenty-four hours have elapsed following the determination that reasonable suspicion existed to require an alcohol test.

A written record of the observations leading to a reasonable suspicion test shall be made and signed by the supervisor and/or school official that made the observations. This record shall be made within twenty-four hours of the observed behavior or before the results of the test are released, whichever is earlier.

5. Return to Duty Testing

The district is not required to return an employee to a safety-sensitive position upon receipt of a confirmed drug and/or alcohol test.

The DER may recommend to the Superintendent of Schools the employee's employment be terminated depending on the circumstances.

The DER shall ensure that before an employee returns to duty requiring the performance of a safety-sensitive function, the employee shall undergo a return to duty alcohol test indicating a breath alcohol concentration of less than 0.02 and a controlled substances test with a result indicating a verified negative result for controlled substances use as required in 49 CFR 40.305.

Employees permitted to return to duty are required to take return-to-duty tests and shall be evaluated by a SAP. These employees must participate in an assistance program prescribed by the SAP and as required in 49 CFR 40 Subpart O.

The SAP will determine a written follow-up testing plan for any employee who has been permitted to return to work and has successfully complied with the SAP's recommendations for education and/or treatment. Such employees are subject to a minimum of six unannounced, follow-up drug screenings and alcohol tests over the following twelve months. The testing shall not exceed forty-eight additional months. Alcohol follow-up testing shall be performed only when the employee is performing safety-sensitive functions or immediately prior to

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performing or immediately after performing safety-sensitive functions. All follow-up testing will be completed in accordance with 49 CFR 40.307. The SAP will comply with all reporting requirements of 49 CFR 40.311.

The Board shall make the ultimate determination to return or not return an employee to a safety-sensitive position subject to any collective bargaining agreements, if any, or other legal requirements.

Medical Review Officer (MRO) Notifications

The Board shall employ or contract with a MRO who is a licensed physician (M.D. or D.O.) and shall designate the MRO as the individual responsible for receiving laboratory results generated by the testing program. The MRO shall have knowledge of controlled substances abuse disorders and have appropriate medical training to interpret and evaluate the employee's confirmed drug test results together with his/her medical history and other biomedical data. The MRO will perform all functions and responsibilities as required in 49 CFR 40.121.

Employer Notification

The MRO may report controlled substances test results to the DER by any means of communication; however, a signed, written notification must be forwarded within three business days of the completion of the MRO's evaluation. The MRO must report all drug test results to the employer. The MRO may use a signed or stamped and dated legible photocopy of Copy 2 of the CCF to report test results or a written report that must include, at a minimum, the information required in 49 CFR 40.163.

Split Specimen Tests

Split specimen testing will be conducted in accordance with 49 CFR 40 Subpart H. The MRO will notify the Superintendent of Schools or designee if split specimen testing is requested by the employee.

Designated Collection Facility

The Board shall designate the facility to be used for the collection of the specimen; provided, however, that the designated facility shall possess all required licenses and permits. The collection site will take place in a facility meeting the requirements of 49 CFR 40 Subpart D. The DER will ensure the collection site meets the security requirements of 49 CFR 40.43.

Designated Screening Laboratory

The Board shall designate the laboratory to which collected fluid samples will be forwarded for drug/alcohol screening. Drug testing laboratories must be certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP) for all testing required under 49 CFR 40. The laboratory will perform all responsibilities as required in accordance with 49 CFR 40 Subpart F.

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Specimens

The normal screening methodology for controlled substances shall be urinalysis, collected by a trained representative of the Board with appropriate documentation at a site designated and approved by the Board. The presence of alcohol will be determined by an Alcohol Screening Device (ASD) or an Evidential Breath Testing Device administered by an individual certified in accordance with 49 CFR 40.211 and 49 CFR 40.213.

Refusal to Submit

An employee will be deemed as refusing to take a drug test as described in 49 CFR 40.191. As per 49 CFR 40.191, an employee refuses to take a drug test if he/she:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the DER, consistent with applicable DOT agency regulations, after being directed to do so by the DER;
2. Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
3. Fails to provide a urine specimen for any drug test required by this Policy. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
4. Fails to permit the observation or monitoring of providing a specimen in the case of a directly observed or monitored collection in a drug test;
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take an additional drug test the DER or collector has directed the employee to take;
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
8. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that

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disrupts the collection process, fails to wash hands after being directed to do so by the collector);

9. Fails to follow the collection observer(s) instructions of which could be used to interfere with the collection process;
10. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or
11. Admits to the collector or MRO he/she has adulterated or substituted the specimen.

If the MRO reports the employee had a verified adulterated or substituted test result, the result will be deemed refusal to take a drug test.

If an employee refuses to participate in a part of the testing process, the collector or MRO, must terminate the portion of the testing process, document the refusal on the CCF (including in the case of the collector, printing the employee's name on Copy 2 of the CCF), immediately notify the DER by any means (e.g., telephone or secure fax machine) that ensures that the refusal notification is immediately received. A referral physician (e.g., physician evaluating a "shy bladder" condition or a claim of a legitimate medical explanation in a validity testing situation) must notify the MRO, who in turn will notify the DER. In addition, the collector must note the refusal in the "Remarks" line (Step 2), and sign and date the CCF. The MRO must note the refusal by checking the "Refused to Test" box (Step 6) on Copy 2 of the CCF, and add the reason on the "Remarks" line. The MRO must then sign and date the CCF. When the employee refuses to take a non-DOT test or to sign a non-DOT form, the employee has not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

Record of Negative Screening

An employee required to submit to an alcohol and/or controlled substance screening as provided in this Policy and whose screening results are negative may, at their option, have their personnel file documented to reflect the negative result.

Prescription Drugs

All bus drivers shall notify the DER of the use of any prescription drugs. The Board may require certification from the prescribing physician that the use of the prescription drug will not have an adverse effect on the driver's ability to properly perform safety-sensitive functions.

Consequences to Employees Engaging in Prohibited Conduct

An employee whose screening produces a positive result for a prohibited substance who is permitted to return to work:

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1. Shall not be permitted to perform safety-sensitive functions;
2. Shall be advised by the DER of resources available to them in evaluating and resolving problems associated with the misuse of alcohol or the use of controlled substances;
3. Shall be evaluated by a SAP who shall determine what assistance, if any, is needed to resolve problems with alcohol or controlled substance use;
4. Undergo, before returning to duty, a return to duty alcohol test indicating a breath level of less than 0.02 if the conduct involved alcohol or a controlled substance test with a verified negative result;
5. If assistance was required, the employee must be evaluated by a SAP to determine that the employee has followed the rehabilitation program prescribed;
6. Be subject to unannounced follow-up alcohol and/or controlled substance abuse testing; and
7. Be subject to the disciplinary Policy and Regulations of the Board.

Return-to-Work Agreement

An employee who has been permitted to return to work and who fails to comply with any of the terms of a Return to Work Agreement, if provided at the employer's discretion, shall be subject to disciplinary action which may include termination.

Maintenance and Retention of Records

The DER shall maintain and retain all records as required by Federal regulation. Records shall include at least the following:

1. Records Related to the Collection Process
 - a. Collection logbooks (if used);
 - b. Documents related to the random selection process;
 - c. Calibration documentation for Evidential Breath Testing Devices (EBT's);
 - d. Documentation of Breath Alcohol Technician (BAT) training;
 - e. Documentation of reasoning for reasonable suspicion testing;
 - f. Documentation of reasoning for post-accident testing;

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- g. Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing; and
 - h. Consolidated annual calendar year summaries.
- 2. Records Related to the Employee's Test Results
 - a. Employer's copy of the alcohol test form, including results;
 - b. Employer's copy of the controlled substance test chain of custody and control form;
 - c. Documents sent to the employer by the MRO;
 - d. Documentation of any employee's refusal to submit to a required alcohol or controlled substance test; and
 - e. Documents provided by an employee to dispute results of test.
- 3. Documentation of any Other Violations of Controlled Substance Use or Alcohol Misuse Policies
- 4. Records Related to Evaluations and Training
 - a. Records pertaining to the SAP's determination of an employee's need for assistance;
 - b. Records concerning an employee's compliance with the SAP's recommendations, and records related to education and training;
 - c. Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse;
 - d. Documentation of compliance with the requirement to provide employees with educational material, including an employee's signed receipt of materials;
 - e. Documentation of supervisor training; and
 - f. Certification that training conducted under this Policy complies with all requirements of the Policy.
- 5. Records Related to Drug Testing
 - a. Agreements with collection site facilities, laboratories, MROs, and consortia;

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- b. Names and positions of officials and their role in the employer's alcohol and controlled substance testing program;
 - c. Monthly statistical summaries of urinalysis; and
 - d. The employer's drug testing policy and procedures.
6. Required Period of Retention

Document to be maintained	Period required to be maintained
Alcohol test results indicating a breath alcohol concentration of 0.02 or greater	5 Years
Verified positive controlled substance test results	5 Years
Documentation of refusals to submit to required alcohol or controlled substance tests	5 Years
Calibration documentation	5 Years
Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations	5 Years
Driver evaluations and referrals	5 Years
A copy of each annual calendar year summary	5 Years
Records obtained from previous employers concerning alcohol and drug testing	3 Years
Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices)	2 Years
Records related to negative and canceled controlled substance test results	1 Year
Alcohol test results indicating a breath alcohol concentration less than 0.02	1 Year
Records related to the education	Indefinite time

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and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions	period
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Other specific types of records shall be maintained in accordance with 49 CFR 382.401.

7. Location of Records

All required records shall be maintained in accordance with Policy 8320. Records shall be made available for inspection at the Board Offices within two business days after a request has been made by an authorized representative of the FMCSA.

8. Annual Calendar Year Summary

The DER shall prepare and maintain an annual calendar year summary of the results of its alcohol and substance abuse testing programs. The summary shall be completed no later than March 15 of each year covering the previous calendar year. The DER upon request of the FMCSA will provide the annual summary to that agency in the required format.

9. Employee Information Program

The Board will provide an employee information program. The DER will be responsible for implementing the program and shall ensure that each employee receives information in the manner specified below:

- a. By receiving a copy of this Policy and any subsequent revisions.
- b. The DER will provide written notice to employees of the following information:
 - (1) The identity of the person designated by the employer to answer employee questions about the materials;
 - (2) Which employees are subject to the alcohol misuse and controlled substance requirements;

Springfield Public Schools Policy

- (3) Explanation of what constitutes a safety-sensitive function, so as to make clear what period of the workday the employee is required to be in compliance;
- (4) Specific information concerning employee conduct that is prohibited;
- (5) The circumstances under which an employee will be tested for alcohol and/or controlled substances;
- (6) The procedures that will be used to test for the presence of alcohol and controlled substances;
- (7) The requirement that an employee submit to alcohol and controlled substance tests;
- (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test;
- (9) The consequences for employees found to have violated the prohibitions of this Policy, including the immediate removal of the employee from safety-sensitive functions;
- (10) The consequences for employees found to have an alcohol concentration level of 0.02 or greater but less than 0.04; and
- (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life. Signs and symptoms of an alcohol or controlled substances problem, and available methods of intervening when an alcohol or a control substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.]

Omnibus Transportation Employee Testing Act of 1991
49 CFR 40 et seq.
49 CFR 382 et seq.
49 CFR 395.2

Adopted: 18 March 2019
First Reading: July 29, 2024
Adoption:

Springfield Public Schools

Policy

5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

The Board of Education shall admit to its schools, free of charge, persons 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.

Eligibility to Attend School – N.J.A.C. 6A:22-3.1, 3.2, and 3.3

The Board shall admit students eligible to attend school free of charge that are domiciled within the district as defined in N.J.A.C. 6A:22-3.1 and Regulation 5111 – Section B.

The Board shall also admit any student that 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 their own child in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C. Pursuant to N.J.S.A. 18A:38-1.c., any person who fraudulently allows a child of another person to use their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of their child to a person in another district commits a disorderly persons offense.

A student is eligible to attend school in this school district free of charge 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 pursuant to N.J.A.C. 6A:22-3.1(a)4. and Regulation 5111 – Section B.

A student is eligible to attend this school district free of charge in accordance with N.J.A.C. 6A:22-3.2 and Regulation 5111 – Section C.

Notwithstanding the provisions of N.J.S.A. 18A:38-1 or any other law, rule, or regulation to the contrary, a student who moves out of the school district as a result of domestic violence, sexual abuse, or other family crises shall be permitted to remain enrolled in the school district for the remainder of the school year pursuant to N.J.S.A. 18A:38-1.1 and in accordance with the provisions of N.J.A.C. 6A:22-3.2(h) and Regulation 5111 – Section C.

Except as set forth in N.J.A.C. 6A:22-3.3(b)1., immigration/visa status shall not affect eligibility to attend school. Any student who is domiciled in the school district or otherwise eligible to attend school in the school district pursuant to N.J.A.C. 6A:22-3.2 shall be enrolled without regard to, or inquiry concerning, immigration status. A student's immigration/visa status and their eligibility to attend school shall be in accordance with N.J.A.C. 6A:22-3.3(b) and Regulation 5111 – Section D.

Proof of Eligibility – N.J.A.C. 6A:22-3.4

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The Board of Education shall accept a combination of forms of documentation from persons attempting to demonstrate a student's eligibility for enrollment in the school district in accordance with the provisions of N.J.A.C. 6A:22-3.4 and Regulation 5111 – Section E.

In the case of a dispute between the school district and the parent of a student in regard to the 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 in accordance with the provisions of N.J.S.A. 18A:38-1.3.

Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1

Registration and procedures for initial determinations of eligibility will be in accordance with N.J.A.C. 6A:22-4.1 and Regulation 5111 – Section F.

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. 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 and Regulation 5111 – Section F.

When a student appears ineligible based on the 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 in accordance with N.J.A.C. 6A:22-4.1(c)2. and Regulation 5111 – Section F.

When enrollment is denied and no intent to appeal is indicated, applicants shall be advised they shall comply with compulsory education laws in accordance with N.J.A.C. 6A:22-4.1(d) and Regulation 5111 – Section F.

Enrollment or attendance at the school shall not be conditioned or denied pursuant to N.J.A.C. 6A:22-4.1(e) through (i) and Regulation 5111 – Section F.

Notices of Ineligibility – N.J.A.C. 6A:22-4.2

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 immediately shall provide to the applicant notice that is consistent with Commissioner-provided sample form(s) and meets requirements of N.J.A.C. 6A:22-4.2 and Regulation 5111 – Section G.

Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

Nothing in N.J.A.C. 6A:22-4, this Policy, and Regulation 5111 shall preclude the Board of Education from identifying through further investigation or periodic requests for revalidation of

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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 pursuant to N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

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 for the student's removal in accordance with the provisions of N.J.A.C. 6A:22-4.3 and Regulation 5111 – Section H.

Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

An applicant may appeal to the Commissioner of Education the school district's determination that a student is ineligible to attend its schools in accordance with N.J.A.C. 6A:22-5.1 and Regulation 5111 – Section I.

Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6

If no appeal to the Commissioner is filed by the parent, guardian, adult student, or 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 in accordance with N.J.A.C. 6A:22-6.1 and Regulation 5111 – Section J. Tuition will be assessed and calculated in accordance with N.J.A.C. 6A:22-6.3 and Regulation 5111 – Section J.

If an appeal to the Commissioner is filed **by the parent, guardian, adult student, or 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 in accordance with the provisions of N.J.A.C. 6A:22-6.2(a) **and Regulation 5111 – Section J**. Upon the Commissioner's finding that an appeal has been abandoned, the Board may remove the student from school and seek tuition in accordance with N.J.A.C. 6A:22-6.2(a) **1. and Regulation 5111 – Section J**.

Nonresident Students – **N.J.S.A. 18A:38-3.a.**

Any person not resident in the school district, if eligible except for residence, may be admitted to the schools of the district with the consent of the Board of Education upon such terms, and with payment of tuition, as the Board prescribes. The Board of Education, with the approval of the Executive County Superintendent, shall establish a uniform tuition amount for any nonresident student admitted to the schools of the district pursuant to N.J.S.A. 18A:38-3.a. The continued enrollment of any nonresident student shall be contingent upon the student's maintenance of good standards of citizenship, discipline, attendance, and payment of tuition.

The Springfield Board of Education realizes that in certain cases it may be in the best interest of a particular student to grant permission for non-resident status. However, in order to protect the interest and welfare of the student as well as the Springfield School District, the following conditions have been developed:

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1. Each student will be considered for non-resident status on a case-by-case basis.

The following priorities have been set:

- a. Children of parents employed by the school district;
 - b. Children of parents working in Springfield Township;
 - c. Children with relatives residing in Springfield Township; and
 - d. Other.
2. The placement must receive Board approval upon recommendation from the Superintendent.
 3. There must be sufficient classroom space and curricular materials available.
 4. School assignment shall be at the discretion of the Superintendent, based upon the best interest of the educational process.
 5. If the non-resident status of the student subsequently proves not to be in the best interest of the student or of the Springfield School District, recommendation for termination shall come from the Superintendent for Board approval.
 6. Non-resident status shall be granted on a year-to-year basis only.
 7. Application for non-resident status shall be made prior to the start of the school year whenever possible.
 8. Application for subsequent years shall be made prior to May 15.
 9. The Board shall annually determine tuition rates for nonresident students.
 10. Tuition payments shall be made monthly in advance if paid by the individual; if paid by another school district, tuition can be paid quarterly.
 11. Transportation to and from school shall be the responsibility of the parent or guardian, unless transportation is available under current laws for disabled students.
 12. "Non-resident students" shall be defined as those living outside the legal boundaries of Springfield Township.

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Family Residence and Student Enrollment - Tuition

Families Moving from Springfield

If a family moves out of the Springfield Public School District, students may finish the school year under the following conditions. If the family should move:

1. May 15 or later, the student may complete the school year at the request of his/her parents if the class is not oversized, at no tuition charge.
2. After April 1, the child may complete the school year at the request of his/her parents if the class is not oversized, with a two month's tuition charge.
3. Before April 1, the student shall be transferred from the Springfield School District.
4. Such Students will not be eligible for transportation services.

Families Moving into Springfield

If a family moves into the Springfield School District, students may be enrolled in Springfield schools under the following conditions. The family shall enter into a tuition agreement with the Springfield School District:

1. If the family moves during September, the student may be enrolled for the month of September at the request of the parents, with no tuition charge for the month of September, once beginning attendance if the student does not become a resident of the school district during the month of September, tuition will be charged for attendance commencing the first day of attendance until such time as the student becomes a resident or withdraws from the school.
2. On or after October 1, tuition shall be charged at the fixed rate, and shall be paid on or before the first of each month until the family actually moves into Springfield.

Other exceptions

The Board shall charge full tuition for Pre-Kindergarten children of staff and fifty percent tuition (as determined by the Board at its annual budget public hearing meeting for grades Kindergarten through twelve, if there is adequate space.

F-1 Visa Students

The school district is not required to, but may permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract.

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The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. An F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with an F-1 Visa must be approved by the Board for attendance in the school district. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.

J-1 Visa Students

The school district is not required to, but may permit the attendance of J-1 Visa students into the school district. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with supporting documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the school district and shall not pay tuition. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.

N.J.S.A. 18A:38-1; 18A:38-1.1; 18A:38-1.3; 18A:38-3;

18A:38-3.1; 18A:7B-12

N.J.A.C. 6A:14-3.3; 6A:17-2.1 et seq.; 6A:22-1.1 et seq.

8 CFR 214.3

Adopted: 18 March 2019

First Reading: July 29, 2024

Adoption:

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6470.01 ELECTRONIC FUNDS TRANSFER AND CLAIMANT CERTIFICATION (M)

The Board of Education permits the School Business Administrator/Board Secretary to use standard electronic funds transfer (EFT) technologies for EFTs for payment of claims pursuant to N.J.A.C. 5:30-9A.1 et seq. and 5:31-4.1, implementing N.J.S.A. 40A:5-16.5.

“Electronic funds transfer” for the purpose of Policy and Regulation 6470.01 means any approved method of transferring moneys permitted by N.J.A.C. 5:30-9A.1 et seq. that does not involve the physical presentation of a paper check, draft, or similar paper instrument including, but not limited to, wire transfers, e-checks, automated clearing house (ACH) transfers, and transactions initiated by phone or fax.

In accordance with N.J.S.A. 40A:5-16.5.b.(1), the Board of Education authorizes the use of only the forms of standard EFT technologies that are approved to be used by a Board of Education for EFTs for payment of claims. A Board of Education may not utilize procurement cards, charge cards, charge accounts, or any payment services such as PayPal or Venmo.

In accordance with N.J.S.A. 40A:5-16.5.b.(2), the Board designates the School Business Administrator/Board Secretary as being responsible for the oversight and administration of the provisions of N.J.S.A. 40A:5-16.5, N.J.A.C. 5:30-9A.1 et seq.; N.J.A.C. 5:31-4.1, and Policy and Regulation 6470.01.

The Board of Education will only initiate and approve electronic funds in accordance with N.J.A.C. 5:30-9A.1 et seq. Standard EFT technologies shall incorporate, at a minimum, the features and safeguards outlined in N.J.A.C. 5:30-9A.4(a). The Board will only utilize standard EFT technologies upon instituting, at a minimum, the fiscal and operational controls outlined in N.J.A.C. 5:30-9A.4(b).

The School Business Administrator/Board Secretary shall initiate a claim for payment by presenting a claim that has been approved by the Board, to be paid using an EFT technology. The School Business Administrator/Board Secretary shall submit the claim for payment with all supporting documentation to the Superintendent of Schools or a designee who is not under the direct supervision of the School Business Administrator/Board Secretary, who shall review the claim for payment and authorize, in writing, the EFT claim using an EFT method.

The Board of Education shall annually approve the School Business Administrator/Board Secretary as the person authorized to initiate a claim for payment and the Superintendent of Schools or a designee not under the direct supervision of the School Business Administrator/Board Secretary as the person responsible to review a claim for payment presented by the School Business Administrator/Board Secretary and authorize payment using an approved EFT method.

On no less than a weekly basis, activity reports on all transactions utilizing standard EFT technologies shall be reviewed by an individual designated and approved by the Board that is not

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under the direct supervision of the School Business Administrator/Board Secretary and is not empowered to initiate or authorize EFTs.

Claimant certification for a Board of Education shall be in accordance with the provisions of N.J.S.A. 18A:19-3 and rules promulgated by the New Jersey Department of Education.

Providers of Automated Clearing House (ACH) and wire transfer services must be financial institutions chartered by a State or Federal agency, with the further requirement that these financial institutions providing ACH and wire transfer services be covered under the Governmental Unit Deposit Protection Act (GUDPA), N.J.S.A. 17:9-41 et seq.

EFTs through ACH must utilize Electronic Data Interchange (EDI) technology, which provide transaction related details including invoice numbers, pay dates, and other identifying information as appropriate for each transaction. The Board must approve an ACH Origination Agreement with the financial institution(s).

N.J.S.A. 18A:19-3

N.J.S.A. 40A:5-16.5

N.J.A.C. 5:30-9A.1 et seq.

First Reading: July 29, 2024

Adopted:

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P8600 STUDENT TRANSPORTATION (M)

The Board of Education shall transport eligible students to and from school and school related activities in accordance with N.J.S.A. 18A:39-1 et seq., N.J.A.C. 6A:27-1 et seq., and Board policy. Transportation shall be provided only to eligible public and nonpublic school students, authorized school staff members, and adults serving as approved chaperones.

Nonpublic school transportation or aid in lieu of transportation shall be provided for resident students in accordance with N.J.S.A. 18A:39-1 et seq. and N.J.A.C. 6A:27-2.1 et seq. **The Board shall request proof of residency in accordance with Board policy and Regulation 511**

Charter or renaissance school transportation or aid in lieu of transportation shall be provided for resident students in accordance with N.J.S.A. 18A:39-1 et seq. and N.J.A.C. 6A:27-3.1 et seq. **The Board shall request proof of residency in accordance with Board policy and Regulation 511**

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.

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 may consider, but shall not be limited to, the criteria outlined in N.J.S.A. 18A:39-1.5 in determining “Hazardous Routes.”

The Board will not be responsible for the transportation of nonresident students to or from school, except that transportation to and from school will be provided for homeless students; students residing in group homes; students residing in resource family homes; and students residing in shared custody homes pursuant to N.J.A.C. 6A:27-6.2, 6.3, 6.4, and 6.5.

The Board may require the compilation of a list of the names of students being transported by a school bus to a school-sponsored activity, including but not limited to, field trips or interscholastic sports programs. The staff member(s) supervising the school-sponsored activity shall create a list of students on each school bus and submit it to the Principal or designee, and the Principal or designee shall maintain the list for use in the case of an emergency in accordance with N.J.A.C. 6A:27-11.5.

When the schools of this district are closed for inclement weather or other conditions, no transportation will be provided for students enrolled in any public, nonpublic, charter school, and/or renaissance school.

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. The Board shall utilize one of the agencies prior to determining to pay aid in lieu of transportation if in the prior year payments in lieu of

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transportation were provided. The Board will provide to the cooperative/coordinated transportation services any unique limitations or restrictions of the required transportation.

Vehicles used to transport students to and from school or school related activities shall meet standards, registration, and inspection requirements of the New Jersey Department of Education (NJDOE), the New Jersey Motor Vehicle Commission (NJMVC), and any applicable Federal regulations. The operation and fiscal management of the district's transportation system shall be conducted in strict accordance with rules of the New Jersey State Board of Education and the NJDOE.

In addition to the provisions of any State law, rule, or regulation containing more stringent requirements, provided that those requirements are compatible with Federal law, and notwithstanding the provisions of any State law, rule, or regulation to the contrary, school bus operations in the State shall comply with the requirements outlined in N.J.S.A. 39:3B-27.

The district may request proof of residency at any time subsequent to mutual enrollment. Individuals not meeting the residency requirement may be required to reimburse the district for any services or aid on lieu payments made following a change in residency.

N.J.S.A. 18A:18A-1 et seq.; 18A:39-1 et seq.; 18A:39-11.1 et seq.

N.J.S.A. 27:15-16

N.J.S.A. 39:3B-1 et seq.; 39:3B-2.1; 39:3B-10; 39:3B-27

N.J.A.C. 6A:27-1.1 et seq.; 6A:27-2.1 et seq.; 6A:27-3.1 et seq.;

6A:27-4.1 et seq.; 6A:27-5.1; 6A:27-6.2 through 6.5;

6A:27-7.1 et seq.; 6A:27-9.1 et seq.; 6A:27-10.1 et seq.;

6A:27-11.1 et seq.; 6A:27-12.1 et seq.

Adopted: 18 March 2019

Readopted: January 30, 2023

First Reading: July 29, 2024

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Reg 5111 ELIGIBILITY OF RESIDENT/NONRESIDENT STUDENTS

A. Definitions - N.J.A.C. 6A:22-1.2

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 their 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. Students Domiciled in the District – N.J.A.C. 6A:22-3.1

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 the student is the child of 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. N.J.A.C. 6A:22-3.1(a)1. and B.1.a. above shall apply regardless of which parent has legal custody.

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- (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 a 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, Policy 5111, and this Regulation.
- (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 or aid in lieu of transportation is based upon the home of the parent or guardian domiciled within the school district or otherwise required by law.

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- b. A student is domiciled in the school district when the student 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 the student’s 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 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 of eligibility provided pursuant to N.J.A.C. 6A:22-3.4 and E. below.
 - b. N.J.A.C. 6A:22-3.1(b) and B.2. above shall not preclude the attendance of currently enrolled students who were permitted to attend the school district prior to December 17, 2001.

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3. 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.
4. 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 or aid in lieu of 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. Other Students Eligible to Attend School – N.J.A.C. 6A:22-3.2

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 their own child.
 - a. A student is not eligible to attend this school district pursuant to N.J.A.C. 6A:22-3.2(a) and C.1. above unless:
 - (1) The student's parent or guardian has filed, together with documentation to support its validity, a sworn statement that the parent or guardian 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:

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- (a) A sworn statement that the person 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 their 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 N.J.A.C. 6A:22-3.2 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 N.J.A.C. 6A:22-3.2 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 N.J.A.C. 6A:22-3.2 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 their residence and is not the primary financial supporter of that child and any person who fraudulently claims to have given up custody of their 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.

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- a. Eligibility under N.J.A.C. 6A:22-3.2(b) and C.2. above 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, 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)1.i. 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, 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.

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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), Policy 5111, and this Regulation, “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.

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- (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 C.8.a. above, the Superintendent or designee shall notify the parent or guardian in writing. The notification shall inform the parent or guardian of their right to appeal the decision within twenty-one calendar days of the parent's or guardian's receipt of the notification, and shall state that if such appeal is denied, the parent or guardian 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 at C.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.

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- 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 C.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 New Jersey Department of Education'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).

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- h. 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, their 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 – N.J.A.C. 6A:22-3.3

- 1. A student's eligibility to attend school shall not be affected by the physical condition of an applicant's housing or their compliance with local housing ordinances or terms of lease.
- 2. Except as set forth in D.2.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 and C. above 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

The school district is not required to, but may permit the attendance of F-1 Visa students into the school district only with the payment of full tuition and a signed tuition contract. The district may require advance payment of full tuition before providing the requested I-20 Form, in accordance with the provisions of Federal regulation 8 CFR 214.3. A F-1 Visa is granted to a foreign student through an application process that must include, but is not limited to, signed approval by the receiving school district exhibiting the receiving school district will accept the foreign student for enrollment and the foreign student's proof of financial means to pay the full tuition to the receiving school district for the academic year. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with documentation as determined by the Superintendent or designee. A

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student with a F-1 Visa must be approved by the Board for attendance in the school district. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.

4. J-1 Visa Students

The school district is not required to, but may permit the attendance of J-1 Visa students into the school district. The host family must be domiciled in the school district and shall submit a request to the Superintendent of Schools with documentation as determined by the Superintendent or designee. A student with a J-1 Visa must be approved by the Board for attendance in the school district and shall not pay tuition. The student's continued attendance in the school district shall be conditioned on a satisfactory attendance and disciplinary record.]

E. Proof of Eligibility – N.J.A.C. 6A:22-3.4

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

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- h. Any other business record or document issued by a governmental entity.
 - 2. The Board may accept forms of documentation not listed in N.J.A.C. 6A:22-3.4(a) and E.1. above, and shall not exclude from consideration any documentation or information presented by an applicant.
 - 3. The Board 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 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) and D.2. above;
 - c. Documentation or information relating to compliance with local housing ordinances or conditions of tenancy; and
 - d. Social security numbers.
 - 5. The Board may consider, in a manner consistent with Federal law, documents or information referenced in N.J.A.C. 6A:22-3.4(d) and E.4. above, or pertinent parts thereof if voluntarily disclosed by the applicant. However, the Board 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.
- F. Registration Forms and Procedures for Initial Assessment – N.J.A.C. 6A:22-4.1
- 1. The Board of Education shall use Commissioner-provided registration forms pursuant to N.J.A.C. 6A:22-4.1(a), or locally developed forms that:

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- a. Are consistent with the Commissioner-provided forms;
 - b. Do not seek information prohibited by N.J.A.C. 6A:22-4 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 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 application form for all types of enrollment, affidavit student forms shall comply in all respects with N.J.A.C. 6A:22-4.1(a) and G.I. above. When affidavit student forms are used, the school district shall provide them to any person attempting to register a student of whom they are not the parent or guardian, even if not specifically requested.
 - (1) The Board 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 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.

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- 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 and G. below.
 - 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 N.J.A.C. 6A:22-4.1(c)2.i. and F.3.b. above 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 the applicant's 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 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.

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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 their 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 the 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.

G. Notices of Ineligibility – N.J.A.C. 6A:22-4.2

1. When a student is found ineligible to attend the school district pursuant to N.J.A.C. 6A:22, Policy 5111, and this Regulation 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:22-4.2 and F. above and H. below.
 - 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;

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- 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, J.2. and J.3. below, 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

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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.

H. Removal of Currently Enrolled Students – N.J.A.C. 6A:22-4.3

1. Nothing in N.J.A.C. 6A:22-4, Policy 5111, 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 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 and G. above. However, the notice shall also provide for a hearing before the Board 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 their entitlement to a hearing before the Board.
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 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 and G. above.
5. Hearings required pursuant to N.J.A.C. 6A:22-4.3 may be conducted by the full Board 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 taken at a meeting duly convened and conducted pursuant to N.J.S.A. 10:4-6 et seq., the Open Public Meetings Act.

I. Appeal to the Commissioner – N.J.A.C. 6A:22-5.1

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.

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- 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.

J. Assessment and Calculation of Tuition – N.J.A.C. 6A:22-6

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 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 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 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) and J.1. above 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 their 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 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 pursuant to N.J.A.C. 6A:3-12, on

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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, Policy 5111, and this Regulation shall preclude an equitable determination by the Board 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: 18 March 2019

First Reading: July 29, 2024

Adoption:

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R 6470.01 ELECTRONIC FUNDS TRANSFER AND CLAIMANT CERTIFICATION (M)

A. Definitions – N.J.S.A. 40A:5-2 and N.J.A.C. 5:30-9A.2

For the purpose of Policy and Regulation 6470.01:

“Automated clearing house (ACH) transfer” means an electronic funds transfer initiated by the Board of Education authorizing a banking institution to push funds from the Board of Education bank account(s) into a vendor or claimant's bank account, executed through the ACH electronic clearing and settlement system used for financial transactions.

“Board of Education” means a Board of Education as defined by the “Public School Contracts Law,” N.J.S.A. 18A:18A-1 et seq.

“Charge account” or “charge card” means an account, linked to a credit card issued by a specific vendor to which goods and services may be charged on credit, that must be paid when a statement is issued.

“Check” means the instrument by which moneys of the Board of Education are disbursed.

“Chief Financial Officer” means the School Business Administrator/Board Secretary.

“Chief Executive Officer” means the Superintendent of Schools.

“Claimant certification” or “vendor certification” means verification of claims pursuant to N.J.S.A. 18A:19-3.

“Disbursement” means any payment of moneys, including any transfer of funds, by any means.

“Electronic Funds Transfer (EFT)” means any approved method of transferring moneys permitted by N.J.A.C. 5:30-9A.1 et seq. that does not involve the physical presentation of a paper check, draft, or similar paper instrument including, but not limited to, wire transfers, e-checks, automated clearing house (ACH) transfers, and transactions initiated by phone or fax.

“Electronic Data Interchange (EDI)” means technology that provides transaction related details, including invoice number(s), pay dates, and other identifying information as appropriate for each transaction.

“Electronic Funds Transfer and Indemnification Agreement” means a signed legally binding indemnification agreement renewed on an annual basis between a Board of Education and a banking institution authorized to conduct business in New Jersey, which

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authorizes that institution to access bank accounts for the purpose of conducting EFTs through the ACH operating system.

“Governing body” means the Board of Education.

“Internal controls” means fiscal and operational controls that ensure safe and proper use of a standard EFT system and mitigate the potential for fraud and abuse. For purpose of N.J.A.C. 5:30-9A.1 et seq., internal controls shall include technological safeguards and cyber security practices, as well as processes affected by the governing body, management, and other personnel establishing fiscal and operational controls that reduce exposure to risk of misappropriation.

“Local Unit” means any county, municipality, special district, or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department, or agency of any of the foregoing having custody of funds, but shall not include a school district.

“National Automated Clearing House Association (NACHA) file” means a file, formatted to NACHA specifications, which contains instructions for transferring funds between accounts.

“Payment documentation” means such documentation, including evidence of approvals and certifications, as is required by N.J.S.A. 40A:5-16.b, 40A:5-17, and 18A:19.1 et seq., and N.J.A.C. 5:30-9A.1 et seq. prior to the legal paying out of moneys.

“Procurement card” or “P-card” means an account or physical card that represents an account governed by characteristics specific to a procurement card. These characteristics include limits of time, amount, access, and purchase category controlled by the local unit, local authority, or county college in accordance with an agreement with an issuer. While such cards may have the appearance of a credit card, such as Visa, MasterCard, American Express, or Discover, such general-purpose cards do not feature the controls that procurement cards have and as such are not permitted under N.J.A.C. 5:30-9A.1 et seq. A "Procurement card" or "P-card" may not be used by a Board of Education.

“Reconciliation of activity” means the process used to determine that all transactions utilizing standard EFT technologies are accurate, authorized, and allocable to encumbered appropriations.

“Standard electronic funds transfer technologies” means technologies that facilitate the transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, initiated by means such as, but not limited to, an electronic terminal, telephone, computer, or magnetic tape for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account, and incorporate, at a minimum, internal controls set forth in rules promulgated by the Local Finance Board. No general purpose credit or debit card shall be considered a standard EFT technology.

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“Supervisory review” means the process performed by an individual in a supervisory capacity to confirm the propriety and accuracy of standard EFT technologies use initiated by subordinates.

“Transaction” means any activity that may result in demand for payment.

“Warrant” means the draft or check of any Board of Education used in warranting disbursement of moneys and shall, in every instance, be evidenced by the issuance of a check of the Board of Education. In no instance shall it be necessary for the Board of Education to refer to, or issue, a check separate and distinct from the warrant.

B. Authorization to Use Standard Electronic Funds Transfer Technologies for Electronic Funds Transfers – N.J.A.C. 5:30-9A.3

1. The Board of Education adopts Policy and Regulation 6470.01 to permit the School Business Administrator/Board Secretary to use only the forms of standard EFT technologies that are approved for New Jersey Boards of Education for EFTs for payment of claims pursuant to N.J.A.C. 5:30-9A.1 et seq. and 5:31-4.1, implementing N.J.S.A. 40A:5-16.5.
 - a. A Board of Education may not utilize procurement cards, charge cards, charge accounts, or any payment services such as PayPal or Venmo.
2. N.J.A.C. 5:30-9A.1 et seq. does not authorize a Board of Education to exceed the maximum bid thresholds or other limits set forth in the Public School Contracts Law, N.J.S.A. 18A:18A-1 et seq.
3. Providers of ACH and wire transfer services are to be financial institutions chartered by Federal or State authority. ACH and wire transfer services must be provided by a financial institution covered by the Governmental Unit Deposit Protection Act (GUDPA), N.J.S.A. 17:9-41 et seq.

C. Standard Electronic Funds Transfer Technologies; Internal Controls and Conditions for Use – N.J.A.C. 5:30-9A.4

1. The Board of Education will only initiate and approve electronic funds in accordance with N.J.A.C. 5:30-9A.1 et seq. Standard EFT technologies shall incorporate, at minimum, the following features and safeguards:
 - a. The ability to designate specific individuals able to initiate disbursements, barring those not authorized to initiate disbursements from doing so.
 - (1) The Board of Education designates and approves the School Business Administrator/Board Secretary to be responsible to initiate a claim for payment using an EFT method that has been

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duly approved in accordance with N.J.S.A. 18A:19-1 et seq. and Policy and Regulation 6470.01.

- (2) Each claim for payment approved or ratified by the Board shall indicate any payment made using an EFT technology, the type of EFT technology that will or has been utilized in paying the claim, along with a reference that permits tracking.
- b. The ability to designate individuals who may authorize disbursement and segregate initiation and authorization functions. Password or other security controls shall be in place to restrict access based on an individual's authorized role.
- (1) The School Business Administrator/Board Secretary shall initiate a claim for payment by presenting a claim that has been approved by the Board, to be paid using an EFT technology. The School Business Administrator/Board Secretary shall submit the claim for payment with all supporting documentation to the Superintendent of Schools or a designee who is not under the direct supervision of the School Business Administrator/Board Secretary.
 - (2) The Superintendent of Schools or a designee who is not under the direct supervision of the School Business Administrator/Board Secretary shall review the claim for payment and authorize, in writing, the EFT claim that was initiated by the School Business Administrator/Board Secretary before the School Business Administrator/Board Secretary pays the claim using an EFT method.
 - (a) The School Business Administrator/Board Secretary will not pay a claim using an EFT method without written authorization from the Superintendent of Schools or the designee.
 - (3) The Board of Education shall annually approve the School Business Administrator/Board Secretary as the person responsible to initiate a claim for payment and the Superintendent of Schools or the designee not under the direct supervision of the School Business Administrator/Board Secretary as the person responsible to review a claim for payment presented by the School Business Administrator/Board Secretary and authorize the School Business Administrator/Board Secretary to make the payment using an EFT method.

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- (4) The Superintendent of Schools or the designee shall ensure passwords and security codes are in place to restrict access based on an individual's role.
- c. The ability to confirm receipt of payment by vendor.
 - (1) The School Business Administrator/Board Secretary shall receive confirmation from the vendor an EFT payment has been received by the vendor. Documentation supporting receipt of an EFT payment received by a vendor shall be included with the claim's supporting documentation.
- d. The ability to bar automatic debits from Board of Education accounts.
 - (1) The School Business Administrator/Board Secretary shall require all banking institutions approved by the Board of Education prohibit any automatic debits from any Board of Education bank account as each individual disbursement to a vendor must be preceded by instructions submitted to the bank.
- e. The ability for appropriate officials to view transaction history, generate activity reports, and conduct supervisory reviews of all transactions.
 - (1) On no less than a weekly basis, the School Business Administrator/Board Secretary shall prepare an Activity Report on all EFT-based transactions.
 - (2) All Activity Reports prepared by the School Business Administrator/Board Secretary shall be submitted and reviewed by an employee or non-employee (i.e. school auditor, accountant, Board President, etc.) approved annually by the Board of Education who is not under the direction of the School Business Administrator/Board Secretary and who is not empowered to authorize EFT transactions.
 - (3) The Activity Report shall include, but not be limited to:
 - (a) The name of the payee;
 - (b) The Board approval date approving the payment of the claim;
 - (c) The fund and account the payment is being paid from;
 - (d) The technology utilized in each EFT transaction; and

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- (e) The date of payment.
- (4) A copy of all Activity Reports shall be provided to the Board of Education at the first regular monthly Board meeting following any EFT transactions.
- (5) All EFT Activity Reports and evidence of the review by the employee or non-employee (i.e. school auditor, accountant, etc.) designated and approved annually by the Board of Education who is not under the direction of the School Business Administrator/Board Secretary and who is not empowered to authorize EFT-based transactions are to be maintained and available for audit by the Board of Education's independent auditor.
- (6) The School Business Administrator/Board Secretary or designee shall perform a monthly reconciliation of the reviewed/approved weekly EFT Activity Reports of the EFT transactions appearing on bank statements and in the accounting records (i.e. general ledger, bank reconciliations, list of bills approved by Board, etc.).
 - (a) Evidence to support the performance of this monthly review must be maintained by the School Business Administrator/Board Secretary and available for audit by the Board of Education's independent auditor.
- f. The ability to back-up transaction data and store such data offline.
 - (1) The School Business Administrator/Board Secretary shall ensure all EFT transaction data is backed-up and stored offline.
 - (a) However, any ACH file that is in plain text format must not be stored on a Board of Education's local computer past the time the file is transmitted to the bank.
- g. Measures to mitigate risk of duplicate payment.
 - (1) The School Business Administrator/Board Secretary shall ensure an EFT payment is not duplicated by any other means.
 - (2) More than one EFT payment to the same vendor ratified or approved for payment by the Board of Education will be reviewed by the School Business Administrator/Board Secretary prior to payment to ensure there is no duplicate or multiple payments for the same goods or services.

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- h. The creation and maintenance of an audit trail, such that transaction history, including demands for payment and payment initiation, authorization, and confirmation, can be independently tracked and detailed through the use of an EDI or functional equivalent.
 - (1) The Board of Education's EDI or functional equivalent will have the ability to create and maintain the required audit trail.
- i. The following cyber security best practice framework shall be followed:
 - (1) Any system supporting a standard EFT shall:
 - (a) Be hosted on dedicated servers or in a FedRAMP Moderate Impact Level Authorized Cloud. When using cloud services, the vendor shall check provider credentials and contracts;
 - (b) Encrypt stored and transmitted financial information and personal identification information;
 - (c) Maintain only critical personal identification information. Social Security numbers shall not be utilized as identification numbers for system purposes;
 - (d) Employ a resilient password policy;
 - (e) Undergo regular and stress testing;
 - (f) Have regular security updates on all software and devices carried out;
 - (g) Have back-up plans, information disposal, and disaster recovery procedures created and tested;
 - (h) Undergo regular security risk assessments for detecting compromises, along with regular monitoring for vulnerabilities, with necessary patches and updates being implemented; and
 - (i) Develop a Cybersecurity Incident Response Plan.
 - (2) The managing organization shall:
 - (a) Check provider credentials and contracts when using cloud services;

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- (b) Educate staff in good security measures and perform employee background checks; and
 - (c) Create a computer security incident response team, generally called a CSIRT.
 - j. Financial institution providers of standard EFT technologies shall provide annual evidence of satisfactory internal control to the School Business Administrator/Board Secretary;
 - k. ACH payments shall follow rules set forth by the National Automated Clearing House Association (NACHA) or an equivalent successor banking industry standard. In addition, the following safeguards shall be instituted:
 - (1) All EFTs through the ACH must utilize EDI technology and be subject to an Electronic Funds Transfer and Indemnification Agreement;
 - (2) A user that can generate an ACH file shall neither have upload rights nor access that permits editing of a vendor routing number or vendor account number;
 - (3) Each edit to vendor ACH information shall be approved by a separate individual and be logged showing the user editing the data, date stamp, IP address, and the approval of the edit;
 - (4) Any ACH file that is in plain text format shall not be stored on a local computer past the time transmitted to a bank; and
 - (5) If supported by the Board of Education's financial institution(s), said entities shall avail themselves of the ability to recall ACH payments via NACHA file.
- 2. The Board of Education will only utilize standard EFT technologies upon instituting, at a minimum, the following fiscal and operational controls:
 - a. Policy and Regulation 6470.01 shall be adopted authorizing and governing the use of standard EFT technologies consistent with N.J.A.C. 5:30-9A.1 et seq.;
 - b. The School Business Administrator/Board Secretary shall ensure that the minimum internal controls set forth in N.J.A.C. 5:30-9A.1 et seq., along with those internal controls set forth in Policy and Regulation 6470.01 are in place and being adhered to;

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- c. Initiation and authorization roles shall be segregated, and password-restricted.
 - (1) The School Business Administrator/Board Secretary shall be responsible for initiating all EFTs.
 - (2) When the School Business Administrator/Board Secretary initiates an EFT, the Superintendent or a designee not under the direct supervision of the School Business Administrator/Board Secretary shall be responsible for authorization of the EFT.
 - (a) The School Business Administrator/Board Secretary will not pay a claim using an EFT method without written authorization from the Superintendent of Schools or the designee.
 - (3) The Board of Education may designate and approve a backup officer/staff member in the event the School Business Administrator/Board Secretary or Superintendent or a designee not under the direct supervision of the School Business Administrator/Board Secretary who is approved to authorize the EFT payment is unavailable.
 - (4) All payment of claims, ordinances, or resolutions enacted pursuant to N.J.S.A. 40A:5-17.b shall, at a minimum, comply with the provisions of N.J.A.C. 5:30-9A.4.
 - (5) N.J.A.C. 5:30-9A.4 shall not be interpreted to prevent a Board of Education from requiring, authorizing, and approving more than one officer to authorize an EFT.
- d. No Board of Education shall disburse funds unless the goods and services are certified as having been provided pursuant to N.J.S.A. 18A:19-1 et seq. and N.J.A.C. 5:30-9A.1 et seq.
- e. On no less than a weekly basis, Activity Reports on all transactions utilizing standard EFT technologies shall be reviewed by an individual designated and approved by the Board that is not under the direct supervision of the School Business Administrator/Board Secretary and is not empowered to initiate or authorize EFTs.
 - (1) Reconciliations shall be performed on a monthly basis.
 - (2) All Activity Reports generated by the School Business Administrator/Board Secretary shall be monitored by another individual designated and approved by the Board who is not under

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the supervision of the School Business Administrator/Board Secretary.

- f. A user that uploads an ACH file shall check the amounts and recipients against a register displaying ACH payments.

D. Claimant Certification; When Payment Can Be Made Without Claimant Certification - N.J.A.C. 5:30-9A.6

1. Claimant certification for a Board of Education shall be in accordance with the provisions of N.J.S.A. 18A:19-3 and rules promulgated by the New Jersey Department of Education.

E. Automated Clearing House (ACH) Transactions

1. Providers of ACH and wire-transfer services must be financial institutions chartered by a State or Federal agency, with the further requirement that financial institutions providing ACH and wire transfer services be covered under the GUDPA, N.J.S.A. 17:9-41 et seq.
2. ACH payments shall follow rules set forth by the National Automated Clearing House Association (NACHA) or equivalent successor banking industry standard.
3. EFTs through ACH must utilize EDI technology which provides transaction related details including invoice numbers, pay dates, and other identifying information as appropriate for each transaction.
4. The Board of Education must approve an ACH Origination Agreement with the financial institution(s).
5. Users authorized to generate an ACH file shall neither have upload rights nor access permitting editing of a vendor routing number or vendor account number.
6. Each edit to vendor ACH information must be approved by a separate individual and be logged showing the user editing the data, date stamp, IP address, and the approval of the edit.
7. Any user uploading an ACH file shall check the amounts and recipients against a register displaying ACH payments.
8. If supported by the financial institution, the Board of Education shall avail itself of the ability to recall ACH payments via NACHA file.

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Adoption:

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